



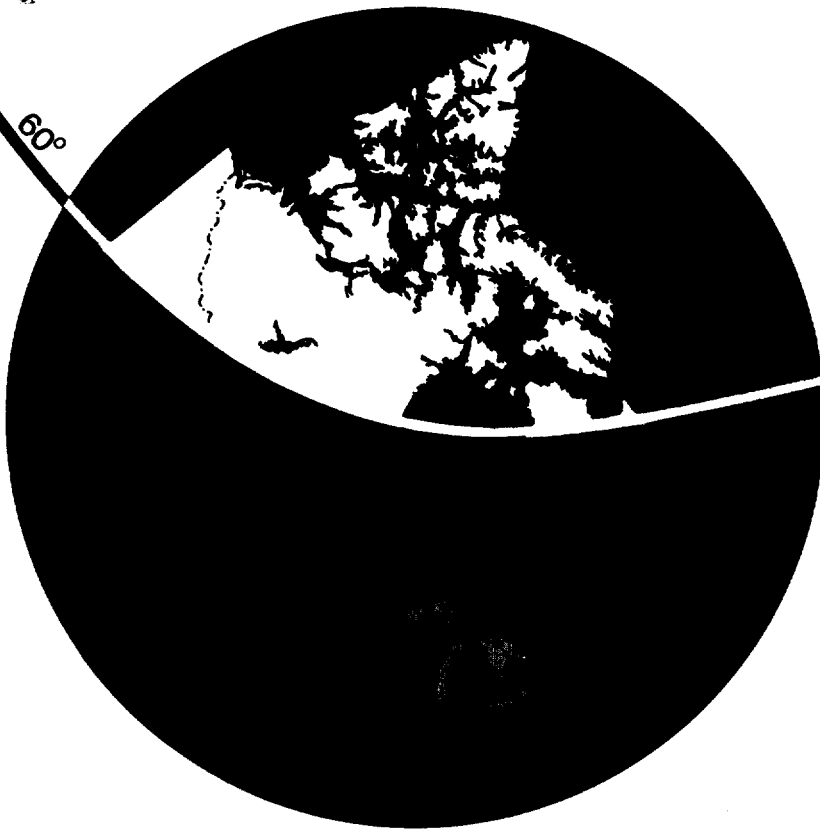
Advisory Committee
Northern Development

North of 60°

J. R. GOUDIE

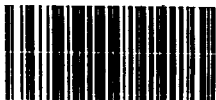
Comité consultatif
mise en valeur du Nord

Au nord du 60^{ième}



SUMMARIES

Legislation Applicable to
the Construction of a
Mackenzie Valley Pipeline



D003533

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INTRODUCTION

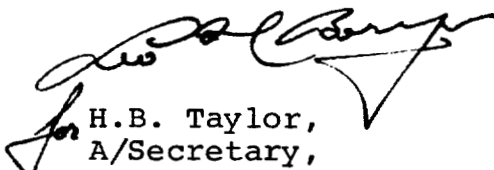
OTTAWA, Ontario K1A 0H4
September 10, 1975.

Members,
General Committee.

The Government of Canada now has before it two applications for construction of a large diameter gas pipeline from the far North to southern markets. Various estimates have been made of the total cost of such a pipeline, should one of the applicants be successful, but there is no doubt that the construction project would be the largest and most logistically complex ever undertaken in Canada.

In recognition of this, the Northern Program, working through the coordinating structure of the Advisory Committee on Northern Development, has undertaken the task of analyzing the range and complexity of government responsibilities and the workload that would be incurred during construction of a Mackenzie Valley Pipeline. The immediate purpose has been to develop a Compendium of all items of federal and territorial legislation whose administration would be affected by the proposed construction project. It is anticipated that the Compendium would be a most useful tool in later decision making in regard to surveillance of pipeline construction.

In July, a number of government agencies were asked to provide summaries of their legislation applicable to construction of a pipeline. Their responses are contained in this first edition of the Compendium, prepared for use at a Pipeline Seminar to be held on September 19, 1975. Following the seminar, it is planned to refine the work, add or delete items of legislation, as appropriate, and distribute the final edition via the General Committee of the ACND.


for H.B. Taylor,
A/Secretary,
General Committee ACND.

SECTION A
National Energy Board

NATIONAL ENERGY BOARD ACT

1. Legislation

- (a) National Energy Board Act
- (b) National Energy Board Part VI Regulations
- (c) Gas Pipeline Regulations
- (d) General Orders Nos. 1, 2 and 3
- (e) Rules of Practice and Procedure, and
- (f) Pipe Lines Companies Records Preservation Regulations

2. Purpose, Description and Jurisdiction

- (a) By the issue of certificates of public convenience and necessity, pursuant to section 44 of the Act, the Board regulates the construction and operation of inter-provincial and international gas pipelines in Canada.
- (b) The definition of pipeline over which the Board has exclusive jurisdiction is contained in section 2 of the Act. Besides the actual pipeline, it includes "all branches, extensions, tanks, reservoirs, storage facilities, pumps, racks, compressors, loading facilities, interstation systems of communication by telephone, telegraph or radio, and real and personal property and works connected therewith ..." This provision gives the Board effective jurisdiction over the right-of-way over and through which the pipeline traverses.
- (c) The Act provides for approval by the Board of the general location of the proposed line (section 28) and of plans, profiles and books of reference describing the portion of land to be traversed by the pipeline (section 29).
- (d) On approval by the Board of the plans, profiles and books of reference, the land is subject to expropriation, if necessary (section 75), and the limit of lands that may be taken without the consent of the owner is sixty feet.
- (e) By operation of sections 38 and 39 of the Act, the design, construction and operation of the pipeline falls under the jurisdiction of the Board. Detailed regulations over such matters as design and methods of installation, construction materials, pipeline components, welding procedures and pressure testing are contained in the Gas Pipeline Regulations.

After the pipeline is placed in operation, the Regulations govern many operational aspects, such as, communication facilities, control and safety devices, pollution prevention and control repairs, signs and other warnings, right-of-way inspection and maintenance.

3. Applications

Information required to be filed by an applicant for a certificate of public convenience and necessity must comply with Schedule II of the Board's Rules of Practice and Procedure. The requirements give some idea of the fields which the Board explores in order to arrive at its decision and serves as guides to jurisdictional areas of the Board.

All applications must follow the procedure set forth in the Board's Rules of Practice and Procedure.

Sections 76 and 77 provide that crossings by pipelines over many utilities, such as highways, drainage systems, power lines, and vice versa, shall receive the approval of the Board. Board General Orders Nos. 1, 2 and 3 list standard conditions that are included in all such orders which the Board issues upon application pursuant to section 4 of the Board's Rules of Practice and Procedure.

The Pipe Lines Companies Records Preservation Regulations require gas pipeline companies to preserve permanently many construction records of the pipeline and other types of documents for a period of six years after the project is retired or until the certificate is cancelled by the Board.

Section B
Indian and Northern Affairs

TERRITORIAL LANDS ACT

1. Legislation

Territorial Lands Act

- (a) Territorial Lands Regulations
- (b) Territorial Land Use Regulations
- (c) Territorial Quarrying Regulations
- (d) Territorial Timber Regulations

2. Purpose

The purpose of the Act and Regulations is to provide for the disposition and/or use of lands, quarry materials and timber resources in the Yukon and the Northwest Territories under the control, management and administration of the Minister of Indian and Northern Affairs.

3. Description

- (a) The Territorial Lands Act and Lands Regulations provide for the disposition by sale or lease or other disposition of federal Crown lands, except for those small areas in and around communities that have been transferred to the administration of the Commissioner by Order-in-Council. Lands within 100 feet of the ordinary high water mark of navigable bodies of water, or inlets thereof, are reserved to the Crown (i.e. these lands cannot be sold). In addition, the Act provides that the Governor-in-Council may withdraw lands from disposal, may set aside and appropriate territorial lands for a variety of public purposes and Indian Reserves, may authorize the acquisition of rights-of-way and may order an inquiry into questions affecting territorial lands.
- (b) The Territorial Lands Act and Land Use Regulations provide for the control of the use of the surface of unalienated Crown Lands, for purposes of environmental protection. Seven types of land use operations are defined for which the operator must obtain a Land Use Permit before operating over the land surface. Specific terms and conditions are placed in the Land Use Permit and field inspections are carried out to confirm compli-

3. ance. A land use fee is paid by permittees for each acre of land surface used, and a security deposit in amounts up to \$100,000 may be required of an applicant before a Land Use Permit is granted. Fines of up to \$5,000 per day of offence may be levied against a defaulting permittee. The Land Use Permit does not grant any rights to the surface of land; it only sets environmental protection conditions under which the land may be used. Land Use Permits normally apply to short term use of Crown lands, but may be extended for up to one year beyond the two year maximum term specified in the Regulations.
- (c) The Territorial Lands Act and Territorial Quarrying Regulations allow for the allocation of specified quantities of sand, stone, loam and granular material to a permittee, upon payment of a royalty. A Quarry Permit is valid for a maximum period of one year.
- (d) The Territorial Lands Act and Timber Regulations provide for the cutting and removal of timber by permit for specified volumes and subject to the payment of prescribed dues. Unless otherwise stated, every permit expires when the specified amount of timber is cut, or 12 months from the date of issue, whichever comes first.

4. Administration

The Act and all Regulations are administered from regional offices in Yellowknife and Whitehorse, with the exception of major or special land transactions, which may be referred to Ottawa for advice or direction.

- (a) Applications for land are made to the appropriate Supervisor of Lands or local Land Agents, for normal dispositions. Leases are signed by the Regional Director of Resources at Yellowknife and Whitehorse. For major or special dispositions requiring policy input or coordination at the departmental level, applications are normally referred to the Director, Northern Natural Resources and Environment Branch, and in such cases land tenure documents are signed at the appropriate level in the Northern Program.

4.
 - (b) Applications for a Land Use Permit are made to the Head, Land Use Administration in Yellowknife or Whitehorse. A maximum period of 30 days is specified in the Regulations for processing the application which involves referral for comment to communities that may be affected by the proposed land use operation and discussion in the appropriate Land Use Advisory Committee. The committee is comprised of experts from the Territorial Government's Game Division, the Canadian Wildlife Service, Fisheries Service, Environmental Protection Service (all of Environment Canada) and land use administrators. Other experts may attend for particular applications, i.e., the membership is open, with the objective of bringing together the optimum level of environmental expertise. Following the deliberations of the Land Use Advisory Committee, receipt of input from affected communities, and advice from the D.I.A.N.D. Land Use Inspector located in the area of the proposed land use operation, a permit is prepared containing a variety of standard and special-to-case operating conditions. Land Use Permits are signed by the Head, Land Use Administration.
 - (c) Applications for a Quarry Permit are made to the Head, Land Use Administration in Yellowknife or Whitehorse. Quarry Permit processing is closely coordinated with the administration of the Land Use Regulations. Permits are signed by the Head, Land Use Administration.
 - (d) Applications for a Timber Permit are made to the appropriate District Superintendent of either the Yukon or the Northwest Lands and Forest Service. Permits are granted from the same office, but may also be issued from local field offices.
5. Application to Pipeline Construction
 - (1) The Territorial Lands Act and Regulations are applicable to pipeline construction activities, as follows:

5.

- (a) Lands Regulations - Lease for permanent facilities required for construction and/or operation of the pipeline, and not used by the public (wharf, communications site, stations, airstrips, helipads);
 - Licence of Occupation for permanent, all season access roads not used by the public;
 - Right-of-Way Permit for the pipeline.
 - (b) Land Use Regulations - Land Use Permit for each temporary use of land not alienated under the Lands Regulations (winter roads, access to winter borrow pits, ROW clearing in advance of lease issuance, helipads, temporary camps);
 - Land Use Permit for development and restoration of each borrow pit.
 - (c) Quarrying Regulations - Quarry Permit for each borrow pit used.
 - (d) Timber Regulations - Timber Permit for the cutting and removal of timber for commercial purposes.
- (2) The Leases, Licences, ROW Permit and Land Use Permits all enable the government to stipulate concise terms and conditions under which land may be occupied or used. The lease, permit and licence are very broad in the range of covenants that can be imposed, whereas the land use permit may only deal with environmental protection.
 - (3) The Lands Regulations and Land Use Regulations enable the government to request information for detailed design review of proposed construction works (e.g. to ensure correct design of a wharf or work pad).
 - (4) For removal of trees, the Land Use Regulations are used if the purpose is to provide access. If the purpose is to utilize the resource, the Timber Regulations are used.
 - (5) The Land Use Regulations are new (Nov. 1971) but are being amended to improve their administration and tighten up their application. The other items of legislation have been in force for some time, and are undergoing total revision.

NORTHERN INLAND WATERS ACT1. Legislation

Northern Inland Waters Act

(a) Northern Inland Waters Regulations

2. Purpose

The purpose of the Act and Regulations is to provide for the conservation, development and utilization of the water resources of the Yukon and Northwest Territories.

3. Description

- (a) Under the Act the property in and the right to the use and flow of all inland waters in the Territories are for all purposes vested in the Crown, and, excluding use for domestic purposes by a person owning or occupying lands adjacent to such waters or for emergency fire-fighting or flood prevention, no other person is permitted to use waters within a management area unless he is licenced to do so.
- (b) In each Territory there is established under section 7 of the Act a Territorial Water Board responsible for meeting the objective of the Act. The Boards conduct public hearings relating to applications for water licences, ensure that sufficient information is submitted by licence applicants and set water standards in order to maintain the natural high quality of northern waters. The Board may, with the approval of the Minister of Indian and Northern Affairs, issue a water licence to an applicant for a term not exceeding twenty-five years.
- (c) The Northern Inland Waters Regulations establish certain geographic areas as Water Management Areas classify uses of water, set out application and water use fees, and list those uses of water which require no licence but which must be authorized by the Controller of Water Rights. Under the Regulations the Board may require an applicant to furnish security which shall not exceed \$100,000.00 or 10 per cent of the estimated capital cost of the work, whichever is greater.

4. Administration

The Act and Regulations are administered through the Water Board staff, and regional water management staff in Yellowknife and Whitehorse. An application for a licence or for an authorization must be filed with the appropriate Board.

5. Application to Pipeline Construction

(1) Authorizations

If during the construction of the pipeline the proposed water use (a) will not continue for a period of more than 90 days; (proposed amendment to extend to 270 days)

or (b) consists of the laying, placing, building, or erecting of any structure, device or contrivance in, over, under or upon any waters;

or (c) will not exceed the rate of 50,000 gallons per day, then the Controller may authorize such usage of water without a licence.

(2) Licences

It is expected that water licencing will be required more for the operational phase of the pipeline than for the construction phase. If, however, any proposed water use does not meet the requirements for authorization, then a licence will be required.

(3) Application for Water Use

There is a certain degree of flexibility which may be exercised for establishing the number of applications required for a large project. A separate application is required for every use of water where a licence is required. In the case of authorizations, separate applications are required for major stream crossings but in the case of smaller stream crossings, a package authorization could be issued to cover a specified section of the pipeline. This decision rests with the appropriate Water Board.

(4) Information Required

The appropriate Board may require an applicant to furnish such information and studies to enable it to evaluate any qualitative and quantitative effects of the proposed use on the water management area.

ARCTIC WATERS POLLUTION PREVENTION ACT

1. Legislation

Arctic Waters Pollution Prevention Act

(a) Arctic Waters Pollution Prevention Regulations

2. Purpose

To prevent the pollution of arctic waters by prohibiting the deposit of waste, or controlling the deposit of waste through Regulations. The Department's responsibilities extend to non-shipping activities in arctic waters other than Hudson Bay and Hudson Strait.

3. Description

The Arctic Waters Pollution Prevention Act applies to all arctic waters, as defined in the Act, and to the mainland or islands where any deposit of waste may result in the waste entering the water. Violation of the Act dealing with waste deposit, and the failure to report such an incident are offences. Industrial waste may be deposited under conditions authorized by or under the Oil and Gas Production and Conservation Act, the Territorial Lands Act or the Public Lands Grants Act. Evidence of financial responsibility may be requested by the Governor-in-Council from persons engaged in any undertaking which may result in waste entering arctic waters. The Governor-in-Council may also request that construction plans be submitted for approval and he can request that modifications be made.

4. Administration

Headquarters staff and regional staff in Whitehorse and Yellowknife administer the Act. Applications must be submitted to the Director, Northern Natural Resources and Environment Branch in Ottawa.

5. Application to Pipeline Construction

If any works in connection with pipeline construction will or are likely to deposit waste in arctic waters, or under conditions where the waste may enter the water, then the Governor-in-Council may ask for submission of the plans. After reviewing these plans, the Governor-in-Council can require that modifications be made, or he can prohibit the undertakings.

FOREST PROTECTION ORDINANCE1. Legislation

- (a) The Forest Protection Ordinance - N.W.T.
- (b) The Forest Protection Ordinance - Y.T.
 - (i) The Forest Protection Regulations - Y.T.

2. Purpose

The purpose of the Ordinances and Regulations is to provide for the protection of the forest resource in either Territory from fire and injurious insects and diseases.

3. Description

The Ordinances provide for a 'fire season', the control of campfires and engines in a forest area, the 'closing' of a forest area during 'fire season', fire permits in a forest area, the control of industrial operations and required fire equipment in a forest area, the issuance of a summons to assist in forest firefighting and the control of injurious insects and diseases.

4. Administration

The Ordinances are administered by the Forest Service in either Territory. The Northwest Lands and Forest Service (N.W.T.) headquarters are in Fort Smith and the Yukon Lands and Forest Service headquarters are in Whitehorse.

5. Application to Pipeline Construction

During a fire season almost all of the Ordinances will be directly applicable to pipeline construction. In the remainder of the season only the sections concerning the disposal of debris and the minimum clearing around construction sites will apply.

Because of the involvement and magnitude of the operation there may be a separate 'Fire Protection Agreement' with the pipeline consortium. This agreement would in essence be a detailed master fire plan for the construction phase of the pipeline.

EXPLOSIVES USE ORDINANCE

1. Legislation

NWT Explosives Use Ordinance

(a) NWT Explosives Use Regulations

2. Purpose

The purpose of the Ordinance and Regulations is to provide the means for the issuance of a blasting permit to ensure that only qualified persons handle explosives in the Northwest Territories.

3. Description

- (a) The Explosives Use Ordinance allows the Commissioner to appoint an Inspector and Deputy Inspector who will examine all applicants for an Explosives Use Permit, investigate any accident that may occur as a result of an explosion of explosives and take any necessary action to remedy the misuse of explosives;
- (b) The Explosives Use Regulations are safety regulations pertaining to the handling and use of explosives within the Northwest Territories.

4. Administration

Although a Territorial Ordinance, it is administered by the Regional Mining Engineer of the Department of Indian and Northern Affairs (Yellowknife).

5. Application to Pipeline Construction

The NWT Explosives Use Ordinance and Regulations are applicable to pipeline construction in that all persons using explosives must be the holders of a Blasting Permit issued by an Inspector or Deputy Inspector under the ordinance and must abide by the safety regulations contained in the Explosives Use Regulations.

Section C
Environment Canada

MIGRATORY BIRDS CONVENTION ACT

1. Legislation

Migratory Birds Convention Act
(a) Migratory Birds Regulations
(b) Migratory Bird Sanctuary Regulations
Canada Wildlife Act

2. Agency

Canadian Wildlife Service

3. Purpose

The primary purpose of the Migratory Birds Convention Act and Regulations is to protect the migratory game, migratory insectivorous and migratory nongame birds that inhabit Canada during the whole or any part of the year.

The Canada Wildlife Act enables the federal government to acquire, control and manage land for migratory bird conservation, interpretation and research; to acquire, control and manage lands in co-operation with provincial and territorial governments for conservation, interpretation and research on wildlife species other than migratory birds; to enter into co-operative arrangements for matters of wildlife conservation, interpretation and research; in co-operation with provincial and territorial governments to take any necessary action required to protect endangered species of wildlife.

4. Description

(a) Subject to the provisions of the Convention, the Migratory Birds Convention Act and Regulations provide the periods during which migratory birds shall not be killed, captured, injured, taken or molested or their nests or eggs injured, destroyed, taken or molested. The regulations may prohibit the killing, capturing, taking, injuring or molesting of migratory birds, nests or eggs within any prescribed area and provide for the control and management of such area. The regulations prohibit the deposit of oil, oil wastes or other substances harmful to migratory birds in any waters or area frequented by migratory birds unless the substance is of a type, in a quantity and deposited under conditions authorized by regulations made by the Governor in Council under any other Act in any waters in respect of which those regulations are applicable. Regulations may also be made for any other purpose that may be deemed expedient for

carrying out the intention of the Act or Convention.

(b) Under the provisions of the Canada Wildlife Act, the Minister may undertake, promote or recommend measures for the encouragement of public co-operation in wildlife conservation and initiate conferences and meetings respecting wildlife conservation and research. Wildlife research programs and investigations may be undertaken and laboratories and other necessary facilities established and maintained. The Minister may establish or appoint advisory committees and in co-operation with the government of the province involved, co-ordinate and implement wildlife policies and programs. Where the Governor in Council is satisfied that any public lands are required for wildlife research, conservation or interpretation, either belonging to Her Majesty in right of Canada, or of which the Government of Canada has agreement with the government of a province, he may assign the administration, management and control of such lands to the Minister.

5. Administration

The Acts and most regulations are administered from the regional office in Edmonton with general policy and national programs set by Ottawa.

6. Application to Pipeline Construction

The Migratory Birds Convention Act and Regulations could be applied as follows:

The regulations may prohibit the killing, capturing, taking, injuring or molesting of migratory game, migratory insectivorous or migratory nongame birds, or the taking, injuring, destruction or molestation of their nests or eggs, within any prescribed area and provide for the control and management of such area. Measures could be proposed to reduce the disruption of migratory bird movements through the area, especially in the case of snow geese, their nesting sites and staging areas. Scheduling pipeline activities, suggesting measures to muffle sound emissions where necessary and preventing the overflying of snow geese concentrations are examples. Activity to be conducted in a migratory bird sanctuary can be regulated under the conditions of a permit. (Permits to conduct activities in sanctuaries have previously been issued with conditions listed to minimize problems.)

There are no regulations to date under the Canada Wildlife Act. The previous Minister of the Environment wrote to all provincial ministers in 1972 informing them that the Act would not in any way intrude into provincial responsibilities for wildlife. In all matters dealing with wildlife other than migratory birds and with wildlife habitat other than for migratory birds, the formal concurrence of the relevant provincial government will be secured before steps are taken to implement programs under the appropriate sections of the Act.

THE FISHERIES ACT

1. Legislation

Fisheries Act

- (a) Northwest Territories Fishery Regulation
- (b) Yukon Territory Fishery Regulations
- (c) Alberta Fishery Regulations
- (d) British Columbia Fishery Regulations
- (e) B.C. Gravel Removal Order

2. Agency

Department of the Environment

3. Purpose

The purpose of the Act and Regulations is to protect the fishery resource both by controlling fishing and preventing damage to the resource by industrial or other activities.

4. Description

The Act controls fishing in the conventional manner with licencing requirement and various limitations and requirements set out in the regulations and the statute itself.

The Act also protects the fishery from damage through controls over activities such as logging, construction of dams and other obstructions, damage to spawning grounds and pollution as follows:

- (i) Sec. 20: The Minister may require that a fishway or suitable passage may be constructed or provided for around any dam slide, or other obstruction to allow for the passage of fish.
- (ii) Sec. 28: The Minister may require that intakes for ditches, channels, or canals have fish guards to prevent fish from entering (Applicable in the western province and the territories)
- (iii) Sec. 30: The section prohibits the destruction of fish eggs or fry on spawning grounds.
- (iv) Sec. 33: The section generally prohibits the deposit of deleterious substances in waters frequented by fish, provides penalties, and provides for regulations to define what is deleterious. This section has very broad application and is the most important and widely used provision of the Fisheries Act for water pollution control.

- (v) Sec 33.1: The section provides that the Minister may require any person who proposes to construct, alter or extend any works which may upon completion result in the deposit of deleterious substances into water frequented by fish. The Minister, with the approval of cabinet, may order the person to make modifications or he may even prohibit the construction. The section also obligates any persons whose operation may be depositing a deleterious substance to provide information at the request of the Minister.
- (vi) Sec 33.2 to 33.4: The sections provide for inspectors, obligations and penalties for the enforcement of Sec. 33.1.

The regulations deal more specifically with such practices as log driving, gravel removal, explosives in water, and temporary stream crossings as follows:

NWT Fishery Regulations

Sec. 5(5) prohibits the use of any explosives for any purpose on or in any waters except under the authority of and in accordance with a licence issued by the Minister.

Sec. 10 provides controls for temporary ice and snow stream crossings and prohibits the obstruction of fish by any kind of stream crossing.

Sec. 11 provides the Minister with authority to control log driving and the removal of gravel from spawning grounds.

Yukon Fishery Regulations

Sec. 9 (1) (c) prohibits the use of any explosive for any purpose in water frequented by fish (there is no licencing provision as in the NWT Fishery Regulations)

Sec. 9(5) provides the Minister with authority to control log driving and removal of gravel from or around spawning grounds. (The Yukon Fishery Regulations do not have a corresponding provision to the NWT Fishery Regulations regarding temporary stream crossings).

Alberta Fishery Regulations

(Administered by the Alberta Government)

B.C. Fishery Regulations

Sec. 81(1) (f) prohibits the use of any explosive for the purpose in water frequented by fish.

B.C. Gravel Removal Order

The order provides for the control of gravel removal by the Department of the Environment in rivers specified in the schedule.

B.C. Logging Order

The order provides for certain prohibiting and provides the Department with authority to control log driving in particular rivers.

5. Administration

In the NWT and Yukon the Fisheries Act is administered by Fisheries and Marine Service of the Department of the Environment except for Sections 33 to 33.4 which are administered by the Environmental Protection Service of the Department.

In Alberta the Act is administered by the Government of Alberta (Fish and Wildlife Branch).

In British Columbia the Act is administered partly by the Department of the Environment and partly by the Government of British Columbia (Fish and Wildlife Branch) depending on the geographical area concerned.

Both the Fisheries and Marine Service (F.M.S.) and the Environmental Protection Service (E.P.S.) maintain District Offices at Whitehorse and Yellowknife. Important matters would be reviewed by the Regional Offices of FMS at Vancouver and Winnipeg and by the Regional Offices of E.P.S. at Vancouver and Edmonton as the operation responsibility lies with those regional offices. Matters involving national policy would be reviewed by headquarters.

6. Application to Pipeline Construction

The portions of the Fisheries Act and the Regulations that would be most directly applicable to pipeline construction activities are as follows:

- (a) The requirement to provide plans and specifications according to Section 33.1 at the request of the Minister and the obligation to make modifications to meet the Minister's requirement;

- (b) the prohibition under section 33 against depositing deleterious substance either during construction or after completion.
- (c) obstructions to the passage of fish under sec 20 of the Act;
- (d) restrictions or prohibitions on explosives in water, under the regulations;
- (e) controls on gravel removal, and temporary stream crossings, under the regulations and the prohibition against destruction of fish eggs and fry on spawning grounds under section 30.

None of the requirements under the Act require a person to obtain a specific licence, permit or approval from the Minister. The legal obligation is on the Minister to make the request when the matter comes to his department's attention. As a practical matter the environmental or potential environmental problems may be most effeciently disposed of if a proponent of the project such as the MacKenzie Valley Pipeline provides appropriate plans, specifications and information to the Department at the earliest possible stage in the development before the Department makes a formal request.

With the exception of the explosives controls and the temporary stream crossings under the NWT Fishery Regulations, no permits or approvals are required, but the Minister has authority to take action where the Department considers it necessary.

CLEAN AIR ACT1. Legislation

Clean Air Act

2. Agency

Department of Environment

3. Purpose

The purpose of the Act is to provide the authority for the Federal Government to establish monitoring stations; obtain information on emissions and processes; develop emission regulations and guidelines and regulate the composition of fuels.

4. Description

The Clean Air Act provides for -

- i) the establishment, operation and maintenance of a system of air pollution monitoring stations throughout Canada, and the collection, through the operation of these stations and from other appropriate sources of data on air pollution in Canada;
- ii) the obtaining of information from operations of works, undertakings or businesses where air emissions might result from such operations;
- iii) the setting of national air quality objectives;
- iv) the setting of national emission standards where there is a significant danger to health;
- v) the setting of national emission guidelines to assist provinces and local governments in developing uniform regulations across Canada;
- vi) the setting of specific emission standards for all works, undertakings and businesses under Federal legislative authority;
- vii) the regulation of the composition of fuels that may be produced or imported into Canada.

5. Administration

The Act and all Regulations are administered from regional offices in Vancouver & Edmonton through district offices in Yellowknife and Whitehorse with the advice and assistance of the Headquarters of the Air Pollution Control Directorate in Ottawa.

6. Application to Pipeline Construction

1. According to current legal advice, the Clean Air Act could be applicable to pipeline construction activities as follows:
 - a) establishment of monitoring stations to monitor air emissions emanating from construction or operating activities.
 - b) obtaining of information on operations which might result in emissions to the atmosphere.
 - c) setting and enforcing national emission regulations where there is a significant danger to health.
 - d) setting and recommending to local authorities, national emission guidelines for air emissions from any source.
 - e) indirectly through the regulation of the composition of fuels that may be imported into Canada.
2. There is some question as to the authority of the Federal Government to set and enforce specific emission standards for all works, undertakings and businesses under Federal legislative authority. However, most Federal departments acknowledge the role of the Department of Environment in maintaining or improving the quality of the ambient air in Canada. Projects likely to result in air emissions are usually referred to the Department of Environment to ensure that they are environmentally sound.

GOVERNMENT ORGANIZATION ACT

1. Legislation

Government Organization Act 1970.

2. Agency

Department of the Environment.

3. Purpose

The purpose was to establish the Department of the Environment.

The Government Organization Act, 1970 has vested in the Minister of the Environment the primary responsibility for the protection and enhancement of the quality of the natural environment. In this regard, the Minister of the Environment has been assigned to administer statutes that relate to air, soil and water quality management and, in addition, to the management of fisheries and other renewable resources.

The Act directs the Minister to promote and encourage the institution of practices leading to the enhancement of the environment and to cooperate with provincial governments, or any agencies, organizations or persons in any programs having similar objectives. In addition, the Act authorizes the Minister to initiate and undertake programs that are designed to promote the establishment of objectives or standards relating to environmental quality and the control of pollution.

4. Description

Under the Government Organization Act of 1970, the Minister of the Environment was assigned the administration of some 19 acts dealing specifically with water, forestry, fisheries, fish marketing, game, migratory birds, air quality, seals and whales and so on. The Department's jurisdiction is therefore determined by its statutory responsibilities. Sections 5 and 6 broadly outline these as follows:

Section 5:

"The duties, powers and functions of the Minister of the Environment extend to and include all matters over which the Parliament of Canada has jurisdiction, not by law assigned to any other department, branch or agency of the Government of Canada, relating to:

- (a) sea coast and inland fisheries;
- (b) renewable resources, including
 - (i) the forest resources of Canada,
 - (ii) migratory birds, and
 - (iii) other non-domestic flora and fauna;
- (c) water;
- (d) meteorology;
- (e) the protection and enhancement of the quality of the natural environment, including water, air and soil quality;
- (f) technical surveys with the meaning of the Resources and Technical Surveys Act relating to any matter described in paragraphs (a) to (e); and
- (g)

Section 6:

"The Minister of the Environment, in exercising his powers and carrying out his duties and functions under Section 5, shall

- (a) initiate, recommend and undertake programs and coordinate programs of the Government of Canada, that are designed to promote the establishment or adoption of objectives or standards relating to environmental quality, or to control pollution; and
- (b) promote and encourage the institution of practices and conduct leading to the better protection and enhancement of environmental quality, and cooperate with provincial governments or agencies thereof, or any bodies, organizations or persons, in any programs having similar objects.

5. Administration

The Department is generally decentralized with regional and district offices of the various components in major Canadian towns and cities.

6. Application to Pipeline Construction

There are many departments in the government which have and will continue to have important responsibilities for the preservation for the quality of our environment. These departments are to cooperate with the Department of the Environment which has the principal tools to lead the fight against pollution and to help coordinate the efforts of others.

Section D
Transport Canada

NAVIGABLE WATERS PROTECTION ACT
NATIONAL ENERGY BOARD ACT SECTION 76

1. Legislation

- (a) Navigable Waters Protection Act
- (b) National Energy Board Act Section 76

2. Purpose

- (a) The purpose of the Navigable Waters Protection Act is to provide for approval of works in navigable waters in Canada. This Act is applicable, in the case of the Mackenzie Valley Pipeline to works of a temporary nature, which may be required by the contracting firms engaged in laying the pipeline (i.e. access bridges or causeways, wharf, docks, telephone lines, sewer lines or any similar structures needed to facilitate construction).
- (b) The purpose of Section 76 of the National Energy Board Act is to provide for approval of application for leave to lay a pipeline across any Canadian waters which are in the opinion of the Minister, navigable. This Section is applicable only to gas and oil pipeline companies who are under the jurisdiction of the Act.

3. Description

- (a) The Navigable Waters Protection Act provides for approval of "works" existing or proposed to be constructed or placed in any navigable waterway in Canada. The term "work" applies to structures such as wharves, docks, bridges, causeways, dams, booms, pipelines, submarine cables, overhead power and telephone lines, dredging and the dumping or placing of fill or excavated material.
- (b) The National Energy Board Act Section 76 provides for approval by means of an "order for leave on construct" document. Leave to construct may be granted in favour of any gas or oil pipeline company which operates between provinces, or between a province and territory or between Canada and the United States. Such "leave" permits pipelines to be carried across any "utility" i.e. a navigable water, canal, railway, highway or irrigation ditch or an underground telegraph or telephone line or a line for the transmission of hydrocarbons, power or any other substance.

4. Administration

- (a) The Navigable Waters Protection Act is administered by the Marine Aids Division, Aids and Waterways Branch of the Ministry of Transport in Ottawa.
- (b) Section 76 of the National Energy Board Act, as it relates to navigable waters, is also administered by the Marine Aids Division.

5. Application

- (a) Applications for "approval" are made by the contracting firm to the Chief, Marine Aids Division and follow the same investigation procedures as in Section 76 of the National Energy Board Act. "Approvals" are also signed by the same officers.
- (b) Applications for "leave" are made by the pipeline company to the Chief, Marine Aids Division and field inspections carried out by an officer of a Marine Services Region. (At the Regional level all applications are referred to both federal and provincial environment departments, to all natural resources agencies and to any other government organization who might have an interest). Based on a favourable report from the Regional Office, "leave" document are prepared for the signature of the Administrator, Canadian Marine Transportation Administration, or the Deputy Administrator, Marine Administration, or the Director, Aids and Waterways Branch at Ottawa.

Section E
Health and Welfare Canada

PUBLIC HEALTH ORDINANCE

1. LEGISLATION:

Public Health Ordinance, N.W.T.

- (a) Sanitation of Camps Regulations
- (b) General Sanitation Regulations
- (c) Communicable Disease Regulations

Public Works Health Regulations: Made under the authority of the Privy Council of Canada.

2. AGENCY:

The Department of National Health and Welfare, Medical Services Branch. The Ordinance confers on the Commissioner powers to make such rules, orders and regulations as he seems necessary for the prevention and mitigation of disease and promotion and preservation of health in the Territories.

3. DESCRIPTION:

The Act is divided into three parts:

- (a) Part 1 of the Public Health Ordinance - this deals with authority which is vested in the Commissioner granting regulatory powers especially to the control and prevention of communicable disease. This includes reporting methods, quarantine powers, vaccination, regulation of ships, aircraft and vessel entry. There are also provisions for inspection of public and private property in regard to waste disposal, overcrowding, water supplies, sewage systems and general regulations of standards of hygiene and, in addition, the appointment of Medical Health Officers, Health Officers and Sanitary Engineers, plus a definition of duties, powers and functions.
- (b) Part 11 of the Public Health Ordinance deals with the Medical Care of Camp Employees and Section 13 deals with Camps having less than 50 employees. The employer must supply adequate first aid equipment and in camps of 10 to 50 persons there must be a qualified first aid attendant who possesses a St. John Ambulance Certificate or its equivalent.

This Section also states that the employer is liable for full medical care up to ninety days, including transportation to the nearest satisfactory facility. The following Section deals with larger camps of 50 or more persons and the employer must provide a fully licensed medical practitioner to serve the medical needs. For camps of over 1000 there must be two medical officers and in addition in the larger camps the employer is obliged to provide a suitably equipped hospital with adequate nursing and support personnel. The hospital capacity is also specified.

- (c) Part III of the Ordinance provides for enforcement. Designated Officers are given the powers of Peace Officers for the purpose of enforcement of this Ordinance. They are also given the authority to enter and inspect premises and note deficiencies as well as required corrections.
 - (d) Camp Sanitation Regulations (1957) with amendments 1973 are made under the powers of the Public Health Ordinance. This defines camps and gives specific rules in regard to location, drainage, crew quarters, including floor space, toilet facilities, kitchen requirements, dishwashing, food handlers, latrines, refuse and garbage disposal and communicable disease. There are also regulations concerning general sanitation. These regulations provide for health officer inspection so that adequate sanitary standards can be maintained.
 - (e) Regulations respecting General Sanitation are applicable to every installation, building, place or thing constructed, made, set up or established after the 1st of September 1957. They regulate matters of general sanitation, housing, water supplies, disposal of excreta, disposal of garbage and other wastes, and while not specifically applicable to camps, are part of the corpus of law relating to general sanitation applicable to the whole of the Northwest Territories.
 - (f) Communicable Disease Regulations. The Communicable Disease Regulations are not specifically applicable only to camps or construction but relate to the whole of the Northwest Territories and are referred to in the Regulations for Camp Sanitation. These regulations control notification and treatment, the handling of food, reporting of communicable diseases, investigation by the Medical Health Officer, special powers of the Medical Health Officer, isolation, compulsory hospitalization and offences and penalties thereunder.
4. PUBLIC WORKS HEALTH REGULATIONS: These regulations are made under the authority of the Privy Council and govern camps engaged in the construction of public works.
 5. ADMINISTRATION: The Ordinance and its regulations are administered from the Department of National Health and Welfare offices in Yellowknife, Inuvik, Churchill and Frobisher Bay.

Section F
Energy, Mines and Resources

EXPLOSIVES ACT

1. Legislation

Explosives Act

- (a) Explosives Regulations
- (b) Ammonium Nitrate and Fuel Order

2. Purpose

The purpose of the Act and Regulations is to provide for the safe transportation and storage of explosives within the Northwest Territories.

3. Description

The Explosives Act provides the means for the establishment of regulations pertaining to the licencing of magazines and factories and the transportation of explosives within all of Canada.

- (a) The Explosives Regulations regulate the transportation of explosives on land and water, provide for the licencing of vehicles, and spells out quantities that may be transported. They also provide for the licencing of all explosives storage magazines and specific quantities that may be stored at specific locations.
- (b) The Ammonium Nitrate and Fuel Oil Order provides for the establishment of an assembling and blending plant on site for ammonious nitrate and fuel oil mixture used as an explosive.

4. Administration

The Act and Regulations are administered from the Headquarters of the Department of Energy, Mines and Resources in Ottawa with Regional Offices in main centres in Canada. However, RCMP officers and Mining Inspectors of the Department of Indian and Northern Affairs are appointed Deputy Inspectors under the Act.

Applications for magazine permits, vehicle permits and permission to blend on site may be made to the Chief, Explosives Division, Department of Energy, Mines and Resources, Ottawa, Ontario.

5. Application to Pipeline Construction

The Explosives Act and Regulations are applicable to pipeline construction activities as follows:

- (a) All explosives storage magazines must be licenced by the Chief, Explosives Inspector and only quantities specified in the licence may be stored in a licenced magazine.
- (b) All vehicles transporting explosives must have an Explosive Transportation Permit.
- (c) If Ammonium Nitrate and Fuel Oil Mixture is to be used as an explosive and blending is to be done on site a permit to blend must be obtained from the Chief Explosives Inspector.

Section G
Government of the Northwest Territories

PUBLIC UTILITIES ORDINANCE

1. Legislation

Public Utilities Ordinance

2. Agency

Public Utilities Board

3. Purpose

To regulate the sale and distribution of electricity and natural gas sold in the Northwest Territories save and except the activities of the Northern Canada Power Commission.

4. Description

To approve franchises entered into between municipalities or the Commissioner and public utilities.

To conduct hearings about complaints regarding:

- a) The rates charged by the public utility or the classifications to which these rates apply.
- b) A proposed rate increase given pursuant to the Ordinance.
- c) The manner in which the public utility provides service.
- d) The areas to which the public utility provides service and to make orders:
 - a) fixing the rates and classifications to which those rates apply which the public utility may charge for the supply of electricity or natural gas;
 - b) prohibiting any proposed rate increase on limiting it in any manner;
 - c) determining the conditions and manner in which the public utility shall supply electricity or natural gas;
 - d) requiring the public utility to establish, construct, maintain and operate any reasonable extension of existing facilities.

- e) in fixing rates to be charged for the supply of electricity or natural gas, the Board may determine the cost to the public utility of the property that is used or required to be used by it in its service to the public and fix a fair return thereon.

5. Administration

The Ordinance is administered from Yellowknife with hearings being held from time to time in communities served by the public utility as required.

- a) Any franchise granted by a municipality or the Commissioner must be submitted to the Board for approval and is inoperative until such approval is received. Any application for approval must be heard in public hearing.
- b) Every public utility must within three months after the end of its fiscal year file with the Board:
 - (i) a statement showing the rates that it charges for the supply of electricity or natural gas, the categories to which those rates apply and any other charges it makes to persons to whom it supplies electricity or natural gas.
 - (ii) financial statements for the fiscal year in such form and verified in such manner as the Board directs;
 - (iii) a statement setting forth the name, address, and duties of every officer and director of the public utility.
- c) No public utility can charge any rate for the supply of electricity or natural gas other than the rate filed with the Board unless ninety days before it commences to charge a different rate it files with the Board and sends by registered mail to the municipality or the Commissioner a statement showing the new rate in which case it may commence to charge such rate on the date specified therein.

6. Application to Pipeline Construction

The Public Utilities Ordinance would have no application to the construction of the pipeline but would be involved in the sale of natural gas in the Territories after completion of the pipeline.

COMPANIES ORDINANCE

1. Legislation

Companies Ordinance

(a) Companies Fees Regulations

2. Agency

Legal Registries Division, Department of Public Services,
Government of the N.W.T.

3. Purpose

The purpose of the Act and Regulations is to provide a vehicle for the incorporation and registration of companies doing business in the Northwest Territories and to provide the public with a registry of all businesses in the Territories.

4. Description

The Companies Ordinance provides for the incorporation of new businesses which will use the Northwest Territories as their principal jurisdiction. Companies may incorporate under this Ordinance for any purpose with the exception of the following:

- (a) a railroad
- (b) an insurer
- (c) the office of an executor or administrator
- (d) a telephone telegraph or telecommunications agency
- (e) a stock exchange
- (f) an air transport, steamship, canal or irrigation company

Companies who wish to carry on these types of business must incorporate either under the Canada Corporations Act or pursuant to provincial jurisdiction.

For those companies already incorporated outside of the Territories, provision is made in the Ordinance for them to register and thus conduct their business in the Territories.

5. Administration

The Ordinance and attendant regulations are administered by the Companies Registry Office, Department of Public Services, Government of the N.W.T., Yellowknife. All the necessary forms, Ordinances and information booklets may be obtained from this office.

Upon receipt of the necessary documentation, it is reviewed for conformity to Ordinance requirements, a receipt is issued for the fees received and a Certificate of incorporation or a Certificate of Registration is issued.

6. Application to Pipeline Construction

The Companies Ordinance applies directly to each and every company that may in any way be involved in any phase of the pipeline construction. Failure to incorporate or register under this Ordinance may result in a summary conviction and fine, not only upon the company but on each director, agent, traveller, manager, secretary, or salesman of the company for each day they are not registered.

N.W.T. VEHICLES ORDINANCE1. Legislation

- (a) Vehicles Ordinance
- (b) Large Vehicle Control Regulations

2. Agency

Registries Division, Department of Public Services,
Government of the Northwest Territories.

3. Purpose

The purpose of the Ordinance and Regulations is to provide for the registration, licencing and safe operation of vehicles by qualified drivers in the Northwest Territories under the control of the Commissioner of the Northwest Territories, by and with the advice and consent of the Council of the said Territories.

4. Description

- (a) The Vehicles Ordinance provides for the registration and licencing of road-worthy vehicles; for the licencing of qualified drivers; and for compliance to rules of the road.

Requirements to register a vehicle are: proof of ownership - previous registration, provincial registration, or, in the case of a new vehicle ONLY bill of sale; proof of valid insurance, pink slip; and the required fee. A vehicle does not have to be registered in the N.W.T. when the vehicle is operated in the N.W.T. for a period not exceeding three months and the vehicle is not used to transport goods or materials, or when the vehicle is operated solely on lands that are owned or leased by the owner of the vehicle and to which the public does not have a right of access.

Requirements to obtain a drivers licence are: notification of pass of an R.C.M.P. driver examination, a Canadian or U.S. drivers licence having expired no more than two years prior to date of application, or a valid Canadian or U.S. drivers licence; and the required fee. An N.W.T. drivers licence is not required for a person who has not resided in the N.W.T. for more than three consecutive months in each year, if that person is the holder of another valid Canadian or U.S. drivers licence.

(b) The Large Vehicle Control Regulations specify dimensions and weights over which vehicles are required to obtain Over-Dimension Permits, Over-Weight Permits, and to be accompanied by escort vehicles. Special clearance warning flags and lights are required for over-dimension loads (over 10'W, 65'L, or 13½'H) and their escort vehicles. All loads must be secured properly to the vehicle upon which they are being transported in order to prevent shifting or swaying, falling off, leaking or otherwise escaping from the vehicle.

Requirements to obtain these permits are: proof of ownership, proof of insurance, and the required fee.

5. Administration

The Ordinance and Regulations are administered from the office of the Registrar of Vehicles in Yellowknife.

(a) Applications to obtain vehicle registrations, licence plates or drivers licences may be obtained and submitted at any of the licence issuing offices (approx. 40) across the N.W.T. or the one at Sladden-Spencer, Edmonton, Alberta. Registrations and licences are signed by the licence issuer.

(b) Applications to obtain One-Trip Permits, Over-Dimension Permits, Over-Weight Permits, and In Transit Markers may be obtained and submitted at any of the above-mentioned licence issuing offices, usually from the Government Weigh Scale at Enterprise, N.W.T. Applications for Over-dimension Permits for loads in excess of 65' long, 14' wide, or 13'6" high and application for Over-Weight Permits for loads in excess of 110,000 lbs. GVW must be made directly to the Registrar of Vehicles in Yellowknife.

6. Application to Pipeline Construction

The N.W.T. Vehicles Ordinance and Large Vehicles Control Regulations are applicable to pipeline construction activities as follows:

(a) Vehicles Ordinance

- (1) registration (Motor Vehicle Permit) for each vehicle operated in the N.W.T.

- (2) licence plates for each vehicle operated in the N.W.T.
- (3) drivers licence (Motor Vehicle Operators Permit) for each operator of a vehicle in the N.W.T.

NOTE: (a) (1), (2) and (3) above applicable only to vehicles and drivers in N.W.T. for three or more consecutive months in each year.

- (4) Trip Permits are available in lieu of licencing (Public Service or Commercial) a vehicle; Public Service Vehicles are allowed only ONE Trip Permit per year to the owner of the vehicle.

Commercial vehicles are allowed as many Trip Permits in a given year as the owner wishes. The fee for a Trip Permit is 20% of the annual registration fee for the particular vehicle.

- (5) In Transit markers are available in lieu of licencing a vehicle for one movement only from point A to point B within the N.W.T.
- (6) The Commissioner may by regulation exempt any person or vehicle from provisions of the Vehicle Ordinance or may make regulations for carrying out the purposes and provisions of the Ordinance.

(b) Large Vehicle Control Regulations

- (1) Over-dimension Permits for the movement of all loads in excess of 65'L, 10'W or 13'6"H.
- (2) A pilot car at all times for all loads in excess of 10' in width. A trailer car from 1 hour after sunset to 1 hour before sunrise for all loads in excess of 10' in width.
- (3) Over-weight Permits for all vehicles and loads weighing in excess of their registered GVW.
- (4) The Registrar of Vehicles may, where he considers it necessary or in public interest, and subject to such conditions as he may prescribe:
 - (i) increase highway weight limits;
 - (ii) close any highway or restrict the period during which a highway or part thereof may be used; or,
 - (iii) reduce highway weight limits.

INSURANCE ORDINANCE

1. Legislation

Insurance Ordinance (to be proclaimed April 30/76)
(Regulations are not yet drafted)

2. Agency

Department of Public Services - Registries Division

3. Purpose

The purpose of the Ordinance and Regulations is to regulate and provide for the general supervision of the business of insurance in the N.W.T.

4. Description

The Insurance Ordinance provides for the regulation and licencing of companies carrying on business in fire insurance, life insurance, automobile insurance, accident and sickness insurance, livestock insurance, fraternal society insurance in the Territories.

It further provides for the regulation and licencing of agents, brokers, adjusters and salesmen who are in the business of insurance along with the levying of a premium tax on all premiums paid on policies of insurance in the N.W.T.

5. Administration

Applications for licences and inquiries for further information may be obtained by contacting the Superintendent of Insurance, Department of Public Services, Government of the N.W.T., Yellowknife, N.W.T.

6. Application to Pipeline Construction

Mainly an indirect application in respect to placement of policies of insurance coverage with a more direct application in regard to insurance companies offering their facilities in connection with government contracts awarded and Workers Compensation Insurance.

N.W.T. PUBLIC SERVICE VEHICLES ORDINANCE

1. Legislation

- (a) Public Service Vehicles Ordinance
- (b) Public Service Vehicles General Regulations
- (c) Public Service Vehicles Tolls and Rates Regulations
- (d) Highway Transport Board Application and Hearings Regulations.

2. Agency

Registries Division, Department of Public Services,
Government of the N.W.T.

3. Purpose

The purpose of the Ordinance and Regulations is to provide control and regulation of the highway transport industry in the N.W.T. so that it will develop in an orderly manner able to meet public needs, and provide for the development of a viable trucking industry in the N.W.T.

4. Description

- (a) The Public Service Vehicles Ordinance provides for the Highway Transport Board, for the operation of PSV vehicles, Certificate of Operating Authority and for public hearings and investigations which may follow an application for a Certificate.

Requirements for a Certificate of Operating Authority are as follows: application form properly completed, \$25.00 filing fee, proof of cargo insurance, copy of certificates from home jurisdiction and from Alberta when required and proof of public need. The application is advertised in two issues of the pertinent newspapers, a two week waiting period observed and decision made as to whether or not to proceed to a public hearing. If not, decision is then made as to the application.

- (b) The Public Service Vehicles General Regulations provide for the exemption of taxis, two trucks, and municipal service (water, garbage, sewage) vehicles from the provisions of the PSV Ordinance; require that copies of Certificates, registration and insurance be carried with each PSV vehicle; grant authority to Inspectors to stop and check loads; and, provides for a system of "warning tickets" for minor infractions.

- (c) The Public Service Vehicle Tolls and Rates Regulations require that tolls or rates charged in respect of PSV vehicles operated as common carriers be filed with the Highway Transport Board. Any changes in tolls or rates must be applied for and advertised and are not effective until one month after receipt of acknowledgement from the Board of the filing of the change.
- (d) The Highway Transport Board Application and Hearings Regulations provide for the Board to hold public hearings of applications for Certificates of Operating Authority and set forth procedure for the same.

5. Administration

The Ordinance and Regulations are administered from the office of the Chairman of the Highway Transport Board at Yellowknife.

- (a) Applications for operating authority may be obtained from the Vehicle Registry at Yellowknife, the Government Weigh Scale at Enterprise, the N.W.T. Truckers Association, or the Northern Truckers Association. Applications must be submitted to the Chairman of the H.T.B. at Yellowknife.
- (b) Applications for change of tolls or rates must be submitted to the Chairman of the H.T.B. at Yellowknife.

6. Application to Pipeline Construction

The N.W.T. Public Service Vehicle Ordinance and aforementioned Regulations are applicable to pipeline construction as follows:

- (a) Public Service Vehicles Ordinance
 - (1) Certificate of Operating Authority required for each common carrier operating PSV vehicles in the Northwest Territories.
 - (2) The Commissioner may by Regulation exempt any person or vehicle from the provision of this Ordinance or may make regulations for carrying out the purposes and provisions of the Ordinance.
 - (3) A certificate may be suspended or cancelled for infraction of the Ordinance or Regulations.

(b) Public Service Vehicles General Regulations.

- (1) Loads may be stopped and checked by Inspectors or by R.C.M.P. and may be required to proceed to the nearest Weigh Scale for weighing.

(c) Public Service Vehicles Tolls and Rates Regulations.

- (1) Change in tolls or rates charged for transportation of goods must be filed at least 30 days prior to the effective date.

(d) Highway Transport Board Application and Hearings Regulations

- (1) Application for operating authority may go to a public hearing which would be held at least 4 to 6 weeks from date of decision that a hearing was to be held.

BUSINESS LICENCE ORDINANCE1. Legislation

Business Licence Ordinance

2. Agency

Registries Division, Department of Public Services,
Government of the N.W.T.

3. Purpose

The purpose of the Business Licence Ordinance is to provide for the control and regulation of businesses operating in the N.W.T.; (excluding those communities who have passed business licence by-laws) for control of businesses with respect to Worker's Compensation, Company and Partnership registration and Fire and Health Standards.

4. Description

The Business Licence Ordinance provides approval, through licencing, of businesses operating in the N.W.T. The licencing is based on the completion of an application, compliance with the Worker's Compensation Ordinance, Companies and Partnership Ordinances. The Ordinance provides for cancellation, suspension or refusal to renew a licence if the applicant fails to maintain a policy of Worker's Compensation Insurance sufficient to cover all employees working in the N.W.T. It continues a penalty clause for those persons who fail to obtain a Business Licence and who fail to become registered under the Companies Ordinance.

5. Administration

The Ordinance is administered by the Registries Division
Department of Public Services, Yellowknife, N.W.T.

6. Application

Applicants may apply to the Registrar, Department of Public Services, Government of the N.W.T., Yellowknife, N.W.T. All business involved in pipeline construction must purchase a business licence.

INDUSTRIAL SAFETY ORDINANCE

1. Legislation

Industrial Safety Ordinance.

2. Agency

Government of the Northwest Territories, Department of Public Services, Safety Division.

3. Purpose

The purpose of the ordinance is to set the standards for a safe working environment.

4. Description

The Safety Ordinance and Regulations provide for the orderly enforcement of a set of standards to ensure that a safe working environment is created and maintained. The ordinance gives equal opportunity and responsibility for the employer, supervisor and employee to participate in the program. Education is a necessary element in the administration of this program.

5. Administration

The ordinance and all regulations are administered from the headquarters office in Yellowknife. Records of accidents, safety meetings and committee membership must be maintained on the job site or in the nearest administration office.

6. Application

The ordinance is binding on all employers and employees including the Territorial Government.

Federal Government and those crown agencies coming under the authority of the Federal Government are exempt because they come under the Federal Labour Act.

The ordinance would apply to contractors working on pipeline construction.

ELECTRICAL PROTECTION ORDINANCE

1. Legislation

Electrical Protection Ordinance

2. Agency

Government of the Northwest Territories, Department of Public Services, Safety Division.

3. Purpose

Sets the electrical safety standards to which all electrical work must conform.

4. Description

The Electrical Protection Ordinance provides the means for controlling the installation of electrical equipment and wiring.

- (a) It provides the mechanics of appointing inspectors and making inspections of the installations and wiring.
- (b) It sets the fee schedule and the means of control is a permit system.
- (c) It provides for reviewing and approval of plans and specifications.

5. Administration

The ordinance and regulations are administered from the headquarters office in Yellowknife. Permits can be purchased in designated areas such as town offices, utility company offices or regional government administration centres.

6. Application

This ordinance not only affects the pipeline installations but also the auxiliary construction that will take place as a result of the pipeline construction.

All contractors or electricians performing electrical work must apply for an electrical wiring permit.

TERRITORIAL FIRE PREVENTION ORDINANCE

1. Legislation

Fire Prevention Ordinance

- (a) Fire Extinguisher Regulations
- (b) Installation Code for Oil Fired Equipment Regulations
- (c) Installation Code for Gas Fired Equipment Regulations
- (d) Installation Code for Propane Fired Equipment Regulations
- (e) Building Code Regulations

2. Agency

Government of the Northwest Territories, Department of Public Services, Safety Division.

3. Purpose

Sets and regulates standards required for fire prevention safety.

4. Description

- (a) The ordinance provides the legislation for:
 - (1) Inspecting of premises and structures to determine whether precautions against starting accidental fires and the spread of fire are taken.
 - (2) Investigations and holding of inquiries respecting the cause, origin, extent and circumstances of fire.
 - (3) Maintaining records of reported fires.
 - (4) Reviewing of plans and specifications of any structure built in the Northwest Territories. Structure by definition means "any building, plant, machinery, equipment, storage tank, storage place or fixtures of any kind whatsoever erected or placed on, in, over or under any area land or water."
- (b) Regulation 216-71 controls the sale of portable fire extinguishers in the Northwest Territories.

- (c) Regulation 353-69 controls the sale and installation of oil, gas and propane burning appliances and equipment.
- (d) Regulation 508-71 governs the minimum standards of building construction which is the latest edition of the National Building Code of Canada. It also gives the Fire Marshal the powers to allow (in writing) construction of temporary buildings that do not comply with the minimum standards in order to accommodate emergency and temporary situations.

5. Administration

The ordinance and regulations apply throughout the Northwest Territories. They are administered from Yellowknife plus one inspector located in Frobisher Bay and one in Fort Smith. Local assistants to the Fire Marshal (Fire Chiefs) are located in most settlements. They are responsible to administrate the volunteer brigades in the settlement. They report fires to the Fire Marshal and have the authority to make inspections, investigations and write orders against any building owner, agent or occupant to correct a found hazard.

Every insurance company and adjusters must report their adjusted claims and report to the Fire Marshal.

The occupant of any property upon which a fatality or injury has been caused by fire shall report the same to the Fire Marshal.

The occupant of any property upon which a fatality or injury has been caused by fire shall report the same to the Fire Marshal.

6. Application to Pipeline Construction

- (a) The Territorial Fire Prevention Ordinance and Regulations are applicable to pipeline construction activities as follows:
 - (1) All plans for "structures" must be submitted to the Fire Marshal for review.
 - (2) All installations to buildings must meet the necessary codes.
 - (3) All extinguishers on the job must be the right size, right type and be properly maintained. The correct number must be available.
 - (4) All fires occurring on any property must be reported on the proper form provided by the Fire Marshal.

BOILERS AND PRESSURE VESSELS ORDINANCE1. Legislation

Boilers and Pressure Vessels Ordinance

2. Agency

Government of the Northwest Territories, Department of Public Services, Safety Division.

3. Purpose

Regulates the installation and operation of boilers and pressure vessels including the regulation of high pressure welding.

4. Description

(a) The ordinance provides the legislation for:

- (1) Inspection, repairs, condemnation and removal of boilers and pressure vessels.
- (2) Fabrication and installation of pressure vessels and boilers.
- (3) Registration of boilers and pressure vessels.

(b) Regulations 104-72 provides for:

- (1) Setting registration fees for registration and inspections.
- (2) Qualifications, examination and certification of pressure vessel welders.

5. Administration

(a) The ordinance and regulations are administered from the headquarter's offices in Yellowknife:

- (1) Application for registration or fabrication of boiler or pressure vessels is made on prescribed forms.
- (2) Application for operators and welders' certificates are made on prescribed forms.

- (3) Examinations are set using the agreed to inter-provincial standards.
- (4) Inspections are made on an annual basis, hazards are found and are recorded and must be corrected within the date specified on the inspection form.
- (5) Annual registration fees must be sent to headquarters prior to the renewal of boiler or pressure vessel certification.

6. Application for Pipeline Construction

The ordinance applies to the construction of the pipeline since all pipes are high pressure lines and many pressure vessels are used.

TERRITORIAL PETROLEUM PRODUCTS ORDINANCE

1. Legislation

Petroleum Products Ordinance

2. Agency

Government of the Northwest Territories, Department of Public Services, Safety Division.

3. Purpose

Regulates the handling, transportation and storage of bulk oil and gasoline and the operation of all service stations.

4. Description

The ordinance provides the legislation for:

- (a) Transportation of petroleum products.
- (b) Storage of fuel oil products whether underground or above ground and dyking.
- (c) Specifications for tank construction and venting.
- (d) Control of retail outlets, service stations and stores.

5. Administration

The ordinance is administered from Yellowknife by plan review and subsequent field inspections. R.C.M.P. are ex-officio officers under this ordinance.

6. Application to Pipeline Construction

- (1) The Petroleum Products Ordinance as applied to pipeline construction activities is as follows:
 - (a) Storage tanks must be installed and dyked according to the conditions prescribed in the ordinance.
 - (b) Petroleum products must be handled as prescribed.
 - (c) Service stations must be operated and constructed in compliance with the applicable sections of the ordinance.

LABOUR STANDARDS ORDINANCE

1. Legislation

Labour Standards Ordinance and Regulations

2. Agency

Labour Division, Department of Public Services

3. Purpose

To provide basic standards of employment, hours of work, minimum wages, vacations, general holidays and for the inspection and the provision of information and returns by employers.

4. Description

The Ordinance applies to employment upon or in connection with the operation of any industrial establishment; it does not apply to domestic servants, trappers, fishermen and certain professionals, managers and supervisors.

The Ordinance requires an eight hour day and forty four hour week and that "the working hours of a person employed in the exploration and development of metal mining and petroleum including geophysical, seismological and diamond drilling, transportation to and from isolated areas and in tourist camps shall not exceed 191 hours a month."

The maximum hours of work may, however, be exceeded in certain circumstances on application to the Commissioner through the Labour Standards Officer.

Minimum wages, annual vacations, general holidays, rates of overtime, eligibility, etc., are detailed in the Ordinance as are the powers and functions of labour inspectors, the provision of required information and returns, the keeping of records, complaint forms, offences and penalties, etc.

Regulations in respect of Annual Vacations, Call Back Pay and certain deductions from wages, and the employment of young persons will be found at the back of the Ordinance.

5. Administration

On behalf of the Commissioner and government, the administration of the Ordinance is carried out by the Labour Standards Officer, labour inspector and industrial

relations officer. The Commissioner may also establish an Advisory Board "to advise him with respect to any matter that he wishes to refer to it."

The Ordinance also states that "where there is a dispute as to whether this Ordinance applies in relation to any person or class of persons, the matter shall be determined by the Labour Standards Officer."

The Ordinance and Regulations are administered as described above and all enquiries or complaints should be referred to the Labour Standards Officer, Labour Division, Department of Public Services, Government of the Northwest Territories, Yellowknife.

FAIR PRACTICES ORDINANCE

1. Legislation

The Fair Practices Ordinance

2. Agency

Government of the Northwest Territories, Department
of Public Services, Labour Division

3. Purpose

To prevent discrimination in the field of employment
on grounds of race, creed, colour, sex, marital status,
nationality, ancestry or place of origin.

4. Description

The Ordinance expressly requires that an employer shall not
"refuse to employ or continue to employ a person or
adversely discriminate in any term or condition of
employment of any person because of the race, creed, colour,
sex, marital status, nationality, ancestry or place of
origin of that person", nor may an employer, "adversely
discriminate in any term or condition of employment of
any person because of the place of residence of that person".

The ordinance also prohibits discrimination in respect of
employment advertising, trade union activity, accommodation,
pay, etc., and outlines procedures for dealing with
complaints and enforcement of penalties.

5. Administration

The Ordinance is administered for the Commissioner by the
Fair Practices Officer from the Labour Division of the
Department of Public Services in Yellowknife.

WORKERS COMPENSATION ORDINANCE1. Legislation

The Workers' Compensation Ordinance of the Northwest Territories and the Regulations.

2. Agency

The Workers' Compensation Board of the Northwest Territories, a body corporate appointed by the Commissioner pursuant to the Ordinance.

3. Purpose

To ensure that every employer under the Ordinance enters into and maintains a contract of insurance to provide for the payment of compensation as a result of injuries or death caused to workers in the course of their employment.

4. Description

The Workers' Compensation Ordinance provides that all employers under the Ordinance secure their worker's compensation liability by way of a worker's compensation insurance policy in the amounts and under the terms and conditions as prescribed by the Ordinance and the Regulations and that an administrative assessment fee based on the employer's assessable payroll be paid to the Board to be paid into and form part of the Worker's Compensation Fund.

5. Administration

Administered by the Workers' Compensation Board pursuant to Section 12 (3) of the Ordinance including, in addition to the enforcement of coverage and assessment requirements, the processing of all new and reopened claims for compensation and dependency through treatment, retraining and rehabilitation of injured workers back into gainfull employment.

6. Application

Employers under the Ordinance must register with the Board prior to commencing operations and submit, through their insurance carrier, proof of adequate coverage by means of a Certificate of Insurance. He must also submit a list of any and all subcontractors including the subcontractor's name, nature of work, estimate of the time required for completion of the subcontractor's work and full particulars of the subcontractor's insurance coverage. Upon reciept of same the Board issues a Certificate of Compliance to the employer, advises him of the administrative assessment fee requirements and ensures the collection of same.

The Certificate of Compliance is a requirement under an Order pursuant to the municipal Ordinance.

TERRITORIAL HOSPITAL INSURANCE SERVICES ORDINANCE1. Legislation

An Ordinance to Provide Hospital Insurance For
Residents of the Northwest Territories

- (a) Regulations for the Control of Standards
in Hospitals in the Northwest Territories

2. Agency

Territorial Hospital Insurance Board
Health Care Plan
Department of Social Development
Government of the Northwest Territories
Yellowknife, Northwest Territories XOE 1HO

3. Purpose

The purpose of the Ordinance and the Regulations is to provide hospital insurance for residents of the Northwest Territories. The Ordinance and the Regulations also provide standards for services and facilities.

4. Description

(a) Territorial Hospital Insurance Services has been in operation since 1960. The plan is provided with no premiums payable. Costs are met from Territorial revenues and from federal cost-sharing programs.

(b) All individuals must apply for registration with the Northwest Territories Health Care Plan.

A registration card will be issued which shows the Northwest Territories Health Care Plan registration number, name, address, effective date, and date of birth. This applies to each individual members of a family, including infants, as each resident is registered as an individual.

(c) Applications for registration are available in most municipal and settlement offices, hospitals, medical clinics, health centres, and in Territorial Government offices throughout the Territories.

(d) Newcomers and others who are not registered must complete an application form and mail it to the N. W. T. Health Care Plan, Yellowknife, Northwest Territories.

(e) When there is a new arrival in the family, whether a new-born infant or another person joining the family from a location outside the Territories, immediate application should be made for a registration card.

(f) A registration card holder is expected to retain his own card and to keep it readily available for use when needed along with the registration cards of infants and other dependents. The registration cards should be produced each time hospital or medical treatment is sought.

(g) All changes of address and names, any errors on registration cards, or lost cards should be reported to the Health Care Plan Office immediately.

(h) A three-month residency is required. Therefore, for those persons moving into the Territories from a Canadian province, coverage for the first three months is the responsibility of the Health Care Plan of the province and the newcomer is advised to maintain his coverage there for that period, otherwise he will be responsible for his own hospital and medical expenses. This provision is in accordance with federal-provincial and inter-provincial agreements on the mobility of benefits under the Health Care Plans.

At the same time, residents moving out of the Northwest Territories may claim benefits from the N. W. T. Health Care Plan for three months, by which time they will be eligible to obtain coverage from the province in which they then reside.

(i) People who are in the Territories, but do not make their home here, are not considered to be residents and are not eligible for the benefits of the Health Care Plan. Tourists, Students, and many workmen fall into this category.

(j) Certain residents are not eligible for coverage because their employment falls under specific federal legislation. Included are members of the Royal Canadian Mounted Police and the Armed Services. However, the families of these members do not qualify for aid under that legislation and are covered by the N. W. T. Health Care Plan, the same as other residents.

(k) Under the Territorial Hospital Insurance Services, the resident, unless otherwise disqualified, will be relieved of the personal responsibility of paying for hospital services.

Included are all facets of acute hospital care based on standard ward rates. The Plan will pay for hospital care at the standard ward rate less \$1.50 per day co-insurance as a utilization fee which is the responsibility of the patient.

Outpatient services provided by a hospital to a resident, as prescribed by a qualified medical practitioner, for x-ray, laboratory tests, and other diagnostic procedures are also covered.

(l) The plan will pay for hospital services rendered outside Canada, up to the rate set for the Territories.

(m) The plan does not cover the following:

- ambulance charges;
- dentures or normal dental care, except for oral surgery resulting from an injury or disease to the jaw;
- routine physical examinations done at the request of a third party, such as for insurance purposes, obtaining a passport, or employment;
- drugs, biologicals, and related preparations unless administered in a hospital;
- any service to which a resident is entitled, under such legislation as the Workmen's Compensation Ordinance, the Public Health Ordinance, or other Territorial or Federal Legislation including treatment of veterans who are entitled to such treatment as a result of service in the Armed Forces;
- surgery or any other treatment for cosmetic purposes unless a qualified medical practitioner certifies that the treatment is required to effect an improvement in the patients' general condition;
- hospital accommodation other than standard ward care;
- fees charged by hospitals outside of Canada: are payable up to the amount that would be payable for similar services in the Territories.

5. Administration

The Territorial Hospital Insurance Services Ordinance and the Regulations are administered by the Territorial Hospital Insurance Services Board, through the Northwest Territories Health Care Plan, Department of Social Development, Government of the Northwest Territories, Yellowknife, Northwest Territories, XOE 1HO.

6. Application to Pipeline Construction

(a) The regulations regarding health services for camps are clearly outlined in the Public Health Ordinance.

(b) Where hospital services are required by temporary workers, the worker would be responsible for all costs associated with hospital inpatient or outpatient services through coverage in another provincial plan, through his employer, or through his own funds.

(c) Workers on a pipeline who establish residency in the Northwest Territories, for example - maintenance and operating workers, must register with the Health Care Plan.

MEDICAL CARE ORDINANCE1. Legislation

An Ordinance to provide Medical Care for Residents of the Northwest Territories.

2. Agency

Health Care Plan
Department of Social Development
Government of the Northwest Territories
Yellowknife, Northwest Territories XOE 1HO

3. Purpose

The purpose of the Ordinance is to provide medical care insurance for residents of the Northwest Territories.

4. Description

(a) Medicare began on April 1, 1971, to complement Territorial Hospital Insurance Services which was in operation since 1960;

(b) All individuals must apply for registration with the Northwest Territories Health Care Plan.

A registration card will be issued which shows the Northwest Territories Health Care Plan registration number, name, address, effective date, and date of birth. This applies to each individual member of a family, including infants, as each resident is registered as an individual;

(c) Applications for registration are available in most municipal and settlement offices, hospitals, medical clinics, health centres, and in Territorial Government offices throughout the Territories.

(d) Newcomers and others who are not registered must complete an application form and mail it to the N.W.T. Health Care Plan, Yellowknife, Northwest Territories.

(e) When there is a new arrival in the family, whether a new born infant or another person joining the family from a location outside the Territories, immediate application should be made for a registration card.

(f) A registration card holder is expected to retain his own card and to keep it readily available for use when needed along with the registration cards of infants and other dependents. The registration cards should be produced each time hospital or medical treatment is sought.

(g) All changes of address and names, any errors on registration cards, or lost cards should be reported to the Health Care Plan Office immediately.

(h) A three-month residency is required; therefore, for those persons moving into the Territories from a Canadian province, coverage for the first three months is the responsibility of the Health Care Plan of the province and the newcomer is advised to maintain his coverage there for that period, otherwise he will be responsible for his own hospital and medical expenses. This provision is in accordance with federal-provincial and inter-provincial agreements on the mobility of benefits under the Health Care Plans.

At the same time, residents moving out of the Northwest Territories may claim benefits from the N. W. T. Health Care Plan for three months, by which time they will be eligible to obtain coverage from the province in which they then reside.

(i) People who are in the Territories, but do not make their home here, are not considered to be residents and are not eligible for the benefits of the Health Care Plan. Tourists, students and many workmen fall into this category.

(j) Certain residents are not eligible for coverage because their employment falls under specific federal legislation. Included are members of the Royal Canadian Mounted Police and the Armed Services. However, the families of these members do not qualify for aid under that legislation and are covered by the N.W.T. Health Care Plan, the same as other residents.

(k) Under the Medical Care Ordinance, the resident, unless otherwise disqualified, will be relieved of the personal responsibility of paying for medical services.

Included in the services provided by the Plan are payments for doctors' visits in his office, at home, or in the hospital; surgical, anaesthetic, and obstetrical service; the latter including pre-natal, delivery, and post-natal care by individual visits.

Doctors' fees are paid at the rate of 100% of the Territorial rate, and at the approved rate in other provinces in Canada.

(l) The plan will pay for doctor services rendered outside Canada up to the rate set for the Territories.

(m) The Plan does not cover the following:

- ambulance charges;
- dentures or normal dental care, except for oral surgery resulting from an injury or disease to the jaw;
- routine physical examinations done at the request of a third party such as for insurance purposes, obtaining a passport, or employment;

drugs, biologicals, and related preparations unless administered in hospital;

- optometry as distinguished from ophthalmology. Thus, the plan will not pay for glasses, or for eye examinations carried out by an optometrist, but will pay for examinations, eye operations, and treatment by an ophthalmologist;

- chiropractic or treatments such as those administered by a Naturopath;

- any service to which a resident is entitled under such legislation as the Workmen's Compensation Ordinance, the Public Health Ordinance, or other Territorial or Federal Legislation, including treatment of veterans who are entitled to such treatment as a result of service in the Armed Forces;

- surgery or any other treatment for cosmetic purposes unless a qualified medical practitioner certifies that the treatment is required to effect an improvement in the patient's general condition;

- fees charged by doctors that are in excess of 100% of the prescribed fee schedule in the Territories or the approved fee schedule in the province where the service was rendered;

- fees charged by doctors outside Canada are payable up to the amount that would be payable for similar services in the Territories.

5. Administration

The Medical Care Ordinance is administered by the:

Health Care Plan
Department of Social Development
Government of the Northwest Territories
Yellowknife, Northwest Territories XOE 1HO

6. Application to Pipeline Construction

(a) The regulations regarding health services for camps are clearly outlined in the Public Health Ordinance.

(b) Where medical services are required by temporary workers, the worker will be responsible for all costs associated with the medical treatment, through coverage in another provincial plan, through his employer, or through his own funds.

(c) Workers on a pipeline who establish residency in the Northwest Territories, for example, maintenance and operating workers, must register with the Health Care Plan.

MENTAL HEALTH ORDINANCE

1. Legislation

An Ordinance Respecting Mental Health (Mental Health Ordinance)

2. Agency

Department of Social Development
Government of the Northwest Territories
Yellowknife, Northwest Territories X0E 1H0

3. Purpose

The purpose of the Ordinance is to provide for the examination and treatment of voluntary and/or involuntary patients who are believed to be in need of observation, examination, care of treatment in a hospital, due to a mental disorder.

4. Description

The Ordinance provides the legislation necessary to examine, observe, or treat voluntary or involuntary patients who are believed to be suffering from a mental disorder.

5. Administration

Commissioner
Government of the Northwest Territories
Yellowknife, Northwest Territories

and

Director
Department of Social Development
Government of the Northwest Territories
Yellowknife, Northwest Territories

6. Application to Pipeline Construction

The Ordinance provides the legislation necessary to admit workers suffering from mental disorders for observation, examination, care or treatment.

For institutional care, there is a one-year residency requirement.

MEDICAL PROFESSION ORDINANCE

1. Legislation

An Ordinance Respecting the Medical Profession

2. Agency

The Northwest Territories Medical Association, Yellowknife,
Northwest Territories and Health Care Plan, Department of
Social Development, Government of the Northwest Territories,
Yellowknife, N.W.T.

3. Purpose

The purpose of the Ordinance is to provide for the registration
and licensing of all physicians who practise medicine within
the Northwest Territories.

4. Description

- (a) The Ordinance provides for the keeping of the Medical Register.
- (b) The qualifications necessary to register, the procedures, and the registration fee are outlined.
- (c) The conditions where a "Permit to Practise" may be issued are described.
- (d) The offences and penalties for unlicensed practice are outlined.
- (e) The procedure to use in conducting an investigation of a medical practitioner is detailed.
- (f) The method of appeal, and restoration of privileges, is described.

5. Administration

Registrar
Department of Public Services
Government of the Northwest Territories
Yellowknife, Northwest Territories

in consultation with the

Health Care Plan
Department of Social Development
Government of the Northwest Territories
Yellowknife, Northwest Territories

6. Application to Pipeline Construction

Any physician providing services within the Northwest Territories must be registered and hold a current license or permit to practice medicine within the Northwest Territories. Therefore, any physicians in camps, or otherwise associated with the pipeline construction, require registration and must hold a license or permit to practise medicine within the Northwest Territories.

NURSING PROFESSION ORDINANCE1. Legislation

- (a) An Ordinance Respecting the Nursing Profession in the Northwest Territories (The Nursing Profession Ordinance)
- (b) By-Laws, Northwest Territories Registered Nurses' Association

2. Agency

The Northwest Territories Registered Nurses' Association
Yellowknife, Northwest Territories

3. Purpose

To provide for the certification and registration of all nurses who practise nursing within the Northwest Territories.

4. Description

The Ordinance and the By-laws provide for the following:

- (a) The establishment of the Northwest Territories Registered Nurses' Association. The objects and powers of the Association are described;
- (b) the organizational structure, board, and committees of the Association;
- (c) the qualifications and eligibility for membership;
- (d) discipline procedures, penalties, and method of appeal;
- (e) the appointment of a Registrar as custodian of the Nursing Register.

5. Administration

Registrar
Northwest Territories Registered Nurses' Associations
Yellowknife, Northwest Territories

6. Application to Pipeline Construction

Any nurse providing services within the Northwest Territories must be registered, and hold a subsisting certificate of registration, from the Northwest Territories Registered Nurses' Association. This legislation would apply to any nurses providing nursing services within the Northwest Territories in relation to the pipeline construction.

COMMISSIONER'S LAND ORDINANCE

1. Legislation

Commissioner's Land Ordinance

a) Commissioner's Land Regulations

2. Agency

Town Planning & Lands Division, Department of Local Government

3. Purpose

The purpose of this Ordinance and Regulations is to provide for the disposition and/or use of land, quarry materials and timber resources in the Northwest Territories under the control, management and administration of the Commissioner of the Northwest Territories.

4. Description

a) The Commissioner's Land Ordinance and Land Regulations provide for the disposition by sale or lease or other disposition of Commissioner's Crown Lands in and around communities that have been transferred to the administration of the Commissioner by Order-in-Council. Lands within 100 feet of the ordinary high water mark of navigable bodies of water, or inlets thereof, are reserved to the Crown (i.e. these lands cannot be sold). In addition, the Ordinance provides that the Commissioner may withdraw lands from disposal, may set aside and appropriate Territorial Lands for a variety of public purposes and may order an inquiry into questions affecting Commissioner's Lands.

b) The Commissioner's Land Ordinance and Land Regulations allow for the allocation of specified quantities of sand, stone, loam, and other granular materials to a permittee, upon payment of a royalty. A Quarry Permit is valid for a maximum period of one year.

c) The Commissioner's Land Ordinance and Land Regulations provide for the cutting and removal of timber by permit for specified volumes and subject to the payment of prescribed dues. Unless otherwise stated, every permit expires when the specified amount of timber is cut, or 12 months from the date of issue, whichever is the earlier.

d) The Commissioner's Land Ordinance provides for the control of the use of the surface of unalienated Commissioner's Crown Lands, for purposes of environmental protection. All types of land use, other than those provided for in the Land Regulations under Lease, Agreement for Sale, Quarry Permit, or Timber Permit are considered to be a Land Use Operation. An operator must obtain a Land Use Permission before operating over the land surface. Specific terms and conditions are placed in the Land Use Permission, field inspections are carried out to confirm compliance. The Land Use Permission does not grant any rights to the surface of land; it only sets environmental protection conditions under which the land may be used. Land Use Permissions normally apply to short-term use of Commissioner's Crown Lands, but may be extended for longer periods of time at the discretion of the Director, Department of Local Government.

5. Administration

The Ordinance and all Regulations are administered from Town Planning and Lands Division, Department of Local Government in Yellowknife in conjunction with Land Agents in each of the communities.

a) Applications for land are made to the Territorial Lands Officer or Local Land Agents, for normal dispositions. Leases and Agreement for Sale are signed by the Director, Department of Local Government in Yellowknife.

b) Applications for a Quarry Permit are made to the Territorial Lands Officer in Yellowknife or the Land Agent in the appropriate community. Quarry permits processing is closely coordinated with the Community Council, the Land Agent, and is reviewed in conjunction with the Community Land Use Plan. Permits may be signed by the Director, Department of Local Government; Territorial Lands Officer of the Town Planning & Lands Division or in certain instances by the Land Agent.

c) Applications for a Timber Permit are made to the appropriate community Land Agent. Timber permit processing is closely coordinated with the Community Council, the Land Agent and is reviewed on the basis of the Community Land Use Plan. Permits may be granted from Director, Department of Local Government, Territorial Lands Officer, or in certain instances by the Local Land Agent.

d) Applications for a Land Use Permission are made to the Territorial Lands Officer, or to the appropriate Land Community Agent. A maximum of 30 days is generally allowed for the processing of the application which involves referral for comment to the Community that will be affected by the Land Use operation and to other appropriate Government Departments, with the objective of bringing together for consideration the concerns of the Community along with the optimum level of environmental expertise.

Following the receipt of the Community concerns, the comments of the Local Land Agent, and the expert advice from the Governmental agencies, a permission is prepared containing a variety of standard and special-to-case operating conditions. Land Use permissions are signed by the Territorial Lands Officer or the Lands Management Officer of the Town Planning and Lands Division.

6. Application to Pipeline Construction

1) The Commissioner's Land Ordinance and Regulations are applicable to pipeline construction activities, as follows:

a) Lands Regulations - Lease for permanent facilities required for construction and/or operation of the pipeline, and not used by the public (wharf, communication site, stations, airstrips, helipads);

License of Occupation for permanent, all season access roads not used by the public;

Right-of-way Permit for the pipeline; Quarry Permit for each borrow pit used;

Timber Permit for the cutting and removal of timber for commercial purposes;

Land Use Permission for each temporary use of land not alienated under the Land Regulations (to roads, access to winter borrow pits, right-of-way clearing in advance of lease issuance, helipads, temporary camps).

2) The Leases, Licenses, ROW Permit and Land Use Permissions all enable the Government to stipulate concise terms and conditions under which land may be occupied or used. The lease, permit and license are very broad in the range of covenants that can be imposed, whereas the land use permission may only deal with environmental protection.

3) The Land Regulations enable the Government to request information for detailed design review of proposed

construction works (e.g. to ensure correct design of a wharf or work pad).

4) For removal of trees, a Land Use Permission is used if the purpose is to provide access. If the purpose is to utilize the resource, the Timber Permit is used.

5) The system of granting Land Use Permissions is presently under review and it is conceivable that more specific legislation relating to Land Use operations may be enforced by the time a pipeline application is approved.

AREA DEVELOPMENT ORDINANCE

1. Legislation

Area Development Ordinance

(a) Mackenzie Development Area Regulations

(b) Hay River - Enterprise Development Area Regulations

2. Agency

Town Planning and Lands Division, Department of Local Government.

3. Purpose

The purpose of the Ordinance and Regulations is to provide for the orderly development of the specific areas in the Northwest Territories where it is considered to be necessary in the public interest to regulate the orderly development of such areas.

4. Description

(a) The Area Development Ordinance and the Mackenzie Development Area Regulations provide for the orderly development of the Mackenzie Development area and is basically designed to control any surface activity within the area. In addition, the Ordinance provides that the Commissioner may, as he deems necessary, order and implement further regulations to achieve the desired development, control, and preservation of the public interest.

(b) The Area Development Ordinance and the Hay River - Enterprise Development Area Regulations are applied as in subsection (a) above.

5. Administration

The Ordinance and all Regulations are administered from the headquarters office in Yellowknife..

Applications to cut or remove any trees; erect, remove or alter any building or structure; make any excavation, or disturb the surface of the ground; or pitch a tent or establish any camp, must be made to the Area Control Officer designated by the Commissioner.

(a) Applications in areas which are under the administration and control of the Government of the Northwest Territories will be reviewed under the provisions of the Development Regulations and any authority to use, possess, or occupy lands under application will be granted under the provisions of the Commissioner's Land Ordinance and Regulations.

- (b) Applications for those areas under administration and control of the Department of Indian & Northern Affairs will be reviewed under the stipulations of the area control regulations and any permission to carry out a proposed operation or development of the land will be made subject to receiving appropriate approvals as required under Federal Legislation (i.e. The Territorial Lands Act and Regulations).

6. Application to Pipeline Construction

- 1) The Area Development Ordinance and Regulations are applicable to pipeline construction activities as follows:

- a) Permission of the Area Control Officer is required for the construction of permanent facilities related to the construction and/or operation of the pipeline;

Permission for the construction and occupancy of permanent all season access roads not used by the public;

Approval of right-of-way locations.

- b) Permission of the Area Control Officer must be given for each temporary use of land not alienated under the Lands Regulations (winter roads, access to winter borrow pits, right-of-way clearing in advance of lease issuance, helipads, temporary camps);

Permission for the development and restoration of each borrow pit.

- c) Permission of the Area Control Officer is required prior to the use of each borrow pit and prior to the cutting and removal of timber for commercial purposes as may be granted under the quarry of timber regulations.

- 2) The Area Control Officers permission prior to the granting of the right to use, possess, or occupy the lands in the development area permits the Government of the Northwest Territories to review all proposals from an urban and regional planning point of view, and to evaluate the implications of any proposed use.

PLANNING ORDINANCE1. Legislation

An Ordinance relating to the planning and regulation of the use and development of land.

2. Agency

Town Planning and Lands, Department of Local Government.

3. Purpose

The purpose of the Planning Ordinance is to provide for the guidance and control of municipal planning, and for controlling the subdivision of lands in the Northwest Territories.

4. Description

The Planning Ordinance provides for the preparation and adoption of a general development plan, the content and application of zoning by-laws, the enforcement of the municipal planning, and the regulation of subdivisions.

5. Administration

The Ordinance is administered by Town Planning and Lands Division, Department of Local Government in Yellowknife.

Applications for the subdivision of land are made to the Director, Department of Local Government and approvals of subdivisions are granted by the Commissioner upon recommendation of the Director. Further regulations outlining the procedure to be followed by an applicant for the approval of the proposed subdivision of land are presently under review and it is anticipated that these regulations will be completed prior to a pipeline application approval.

6. Application to Pipeline Construction

The Planning Ordinance is applicable to pipeline construction activities as follows:

If the pipeline right-of-way crosses land, the boundaries of which are shown on a plan in the Land Titles Office of the Department of Local Government, then application must be made for subdivision of that land to the Director of Local Government.

The same applies if land is required for purposes other than the actual right-of-way, i.e. other facilities to be constructed which require land within areas which have boundaries shown on plans in the Land Titles Office.

ASSESSMENT AND TAXATION ORDINANCES

1. Legislation

N.W.T. Municipal Ordinance
N.W.T. Taxation Ordinance

2. Agency

Government of the Northwest Territories
Department of Local Government (Municipal Affairs Division).

3. Purpose

The purpose of the legislation is to determine the assessed value of pipelines, compressor units and equipment related thereto and to provide for the taxation of same.

4. Description

The Municipal Ordinance defines a pipeline as follows:

- (a) a system for the conveyance or transmission of gas, oil or coal or any combination, product or by-product thereof, or salt, brine or wood products and includes flow-lines, gathering lines, distribution lines, transportation lines, any line of pipe, including loops, by-passes, clean-outs, valves and fittings, situated in, on or under a continuous strip of land, right-of-way or easement;
- (b) any pipe for the conveyance or disposal of any water, steam, salt water, glycol, gas or any other substance used in or incidental to the production of gas or oil or both.
- (c) any pipe in a well that is used or drilled for the purpose of
 - i) obtaining oil or gas or both or any other mineral, or
 - ii) injecting gas, air, water or other substance into an underground formation; and
- (d) pipeline rights-of-way or easements.

A pipeline or part thereof situated in a municipality is liable to taxation by the municipality and shall be assessed in accordance with Regulations prescribed by the Commissioner.

These regulations are in effect and set the assessed value which can be placed on each mile of pipeline or any part thereof. The value varies according to the diameter of the pipe. The Taxation Ordinance and Regulations issued under its authority contains exactly the same provisions for pipelines situated outside of municipal boundaries and the taxation derived accrues to the Government of the Northwest Territories.

5. Administration

The Ordinances and Regulations are administered by the Department of Local Government, Municipal Affairs Division, in Yellowknife. The physical assessment is undertaken by Territorial Government Assessors. The owners of the pipeline receive notice of the valuation placed on the pipeline and have the opportunity of appealing against the valuation at a Court of Revision. Appeals against the decisions of the Court may be taken to the Judge of the Supreme Court of the Northwest Territories. When the valuation has been finally decided the pipeline is then liable to taxation.

Within incorporated municipalities the rate of taxation is dependent upon local mill rates which are struck annually by by-law.

Outside of incorporated municipalities the rate of taxation is determined by Commissioner's Order under authority of the Taxation Ordinance. At present the rate has been established at 25 mills. This rate can be raised or lowered at the discretion of the Commissioner.

GAME ORDINANCE1. Legislation

- (a) Game Ordinance
 - (i) Game Regulations
- (b) Fur Export Ordinance

2. Agency

Fish and Wildlife Service

3. Purpose

- (a) The purpose of the Game Ordinance and Regulations is to provide for the application of adequate conservation measures to the wildlife resources of the Northwest Territories.
- (b) The purpose of the Fur Export Ordinance is to provide for the regulation of the movement of furs from the Northwest Territories.

4. Description

- (a) The Game Ordinance and Regulations apply to all the Northwest Territories except Wood Buffalo National Park.
- (b) The Game Ordinance and Regulations provide for:
 - (i) Protection of endangered species,
 - (ii) Limiting the numbers, age, sex or size of animals that may be hunted,
 - (iii) Limiting the time period or area in which a species may be hunted,
 - (iv) Setting the minimum qualifications required before a person may obtain a specific licence,
 - (v) Setting the minimum conditions to be complied with while hunting,
 - (vi) Trading in furs,
 - (vii) Selling caribou meat off a commercial quota,
 - (viii) Exporting of game
- (c) The Fur Export Ordinance provides persons with proof that a fur was obtained legally in the N.W.T. Furs in any province or territory belong to that jurisdiction and therefore proof of legal acquisition of any fur imported to that province or territory is required.

5. Administration

Both the Game Ordinance and the Fur Export Ordinance are administered from field offices located in 24 settlements and from 4 regional offices located at Fort Smith, Inuvik, Rankin Inlet and Frobisher Bay. Headquarters, located in

Yellowknife, co-ordinates regional activities and administers special licensing. In settlements where no Fish and Wildlife Officers are stationed, a person is appointed to administer licensing.

(a) Applications for the following licences are made to any Fish and Wildlife Officer or his representative:

- (i) General Hunting Licence
- (ii) Trapping Licence
- (iii) Big Game Licence
- (iv) Muskrat Shotgun Licence
- (v) Small Game Licence
- (vi) Licence to Export Game
- (vii) Trapping area licence for any area in the N.W.T. not referred to in (b) (ii)
- (viii) Beaver Licence
- (ix) Trading and Trafficking Licence
- (x) Fur Export Permit

(b) Applications for the following licences may be made to the Fish and Wildlife Officer located at Inuvik, Aklavik or Fort McPherson and to the Regional Fish and Wildlife Officer, Inuvik:

- (i) Reindeer Grazing Reserve Caribou Licence
- (ii) Trapping area licence for an area in that part of the delta of the Mackenzie River north of Point Separation in the Mackenzie District

(c) Applications for the following licences may be made to the Regional Fish and Wildlife Officer, Fort Smith:

- (i) Buffalo Licence
- (ii) Black Bear Licence

(d) Applications for the following licences may be made to Headquarters:

- (i) Licence to Export Live Big Game and Live Predatory Animals
- (ii) Scientific Licence
- (iii) Licence to take fur-bearing animals
- (iv) Outfitter's Licence
- (v) Guide's Licence
- (vi) Trading Post Licence
- (vii) Outpost Licence
- (viii) Complimentary Licence
- (ix) Polar Bear Licence

6. Application to Pipeline Activity

(a) The Game Ordinance and Regulations are applicable to pipeline activities as follows:

- (i) All hunting of wildlife is controlled. Residency status under the provisions of the Game Ordinance requires a person to have resided 6 months in the N.W.T. (This section under review). An influx of large numbers of people associated with the pipeline will result in more severe limitations being placed on the numbers of animals permitted to be hunted on each licence than is permitted by present legislation.
- (ii) Trapping activities will be disrupted (dispute subject to arbitration through Fish and Wildlife Officer and courts).
- (iii) Migratory routes of some species may be interrupted.
- (iv) Outfitter areas may be crossed.
- (v) The export of game requirements apply.
- (vi) Scientific licences are required before any
 - museum, scientific society, or a university of recognized standing,
 - department of, or any government of any country, province or state

may

 - take and export game, non-migratory birds, eggs or nests of such birds for scientific purposes,
 - take and export live game for a public park or zoological garden.
- (vii) Vehicle hunting is prohibited.
- (viii) The number of firearms per camp is limited.

(b) The Fur Export Ordinance is applicable to pipeline activity by controlling the movement of all fur, including wolves, bear and coyote, from the N.W.T.

The Game Ordinance is under review and many changes are proposed.

NORTHWEST TERRITORIES ARCHAEOLOGICAL SITES REGULATIONS1. Legislation

Northwest Territories Act,

2. Agency

Department of Natural and Cultural Affairs, Museum and Historical Program Division of the Government of the Northwest Territories.

3. Purpose

The purpose of the Archaeological Sites Regulations are:

- a). to protect archaeological sites from natural or deliberate destruction.
- b). to protect archaeological specimens or artifacts from natural or deliberate destruction.
- c). to allow for legal excavation and research of archaeological sites.
- d). to allow for the removal of archaeological specimens or artifacts for research and display.
- e). to allow for search of archaeological sites and artifacts by qualified permittees.

4. Description

The "Northwest Territories Archaeological Sites Regulations" is a Federal enactment relative to the "Northwest Territories Act (Section 45A)" and administered by the Government of the Northwest Territories.

The "Regulations" defines an archaeological site, archaeological specimens and an archaeological permit and states that final decision rests with the Minister of the Department of Indian Affairs and Northern Development (or any officer of the Department authorized in writing to act in his name) in the event of difficulties arising from the administration of the Regulations.

The terms under which an archaeological permit may be issued are defined and general regulations are laid down governing the action and conduct of archaeological permit holders. The Minister, also, may extend the valid period of a permit at his discretion at the written request of a permittee. Each permittee is required to submit a report to the Minister at the conclusion of each season's work. The report is to contain details of the research accomplished supported by photographs and maps made in connection with the work. Specific or additional information must also be supplied if required by the Minister. All

archaeological specimens collected by a permittee are required to be submitted to the Minister. He may direct that specimens be sent to the National Museum of Canada or some other institution as he sees fit.

5. Administration

The "Northwest Territories Archaeological Sites Regulations" is administered by the Government of the Northwest Territories from its Yellowknife office.

Application for an archaeological permit is made, in writing, to the Permanent Secretary of the N.W.T. Historical Advisory Board, Department of Natural and Cultural Affairs, Government of the N.W.T., Yellowknife, N.W.T., XOE 1HO.

The applicant outlines professional qualifications, gives the name of the sponsoring organization, a summary of the proposed project, the geographical location of the planned research, a time-table and details of the financial budget. If necessary, contact is made with the applicant for more complete details or clarification of his letter.

Consultation is usually held with the Archaeological Survey of Canada, National Museum of Man, Ottawa. If it is agreed that the applicant's project fits in generally with the over-all plans of the Archaeological Survey of Canada or is necessary for Territorial Government purposes, the Permanent Secretary recommends to the Commissioner of the Northwest Territories that an archaeological permit be issued.

A copy of the permit is forwarded to each member of the N.W.T. Historical Advisory Board for information. Notification of the issuance of the permit and details of the project are sent to the Royal Canadian Mounted Police and the Northern Region Headquarters of the Department of National Defence as well as the Regional Director of the area bearing on the permit.

6. Application to Pipeline Construction

Archaeological sites and archaeological artifacts and specimens are the only sources from which accurate pre-historical knowledge can be acquired of the migrations and life patterns of the early Peoples of the Northwest Territories. As such they are worthy of protection and preservation until such time as professional research can release the information.

Although many archaeological sites are recorded and classified there are still undiscovered and unreported archaeological remains across the northern terrain.

Pipeline construction and exploration for pipeline routes might well penetrate areas where known and unknown archaeological sites or surface archaeological artifacts exist. In that section 3 of the Northwest Territories Archaeological Sites Regulations states "No person shall excavate or investigate any archaeological site in the Territories....unless he has obtained a permit to do so". The "Regulations" clearly and directly applies in respect of Pipeline exploration and construction.

It is noted that Section 46 of the Northwest Territories Act records liability of a fine or imprisonment on summary convictions of an infringement of the Act.

HISTORICAL RESOURCES ORDINANCE

1 - Legislation

An Ordinance Relating to Historical Sites, Museums and Archives.

2 - Agency

Department of Natural and Cultural Affairs, Museum and Historical Program Division of the Government of the Northwest Territories.

3 - Purpose

The purposes of the Historical Resources Ordinance are;

- (a) to allow for the making, commemoration or otherwise designation and protection of sites of prehistoric or historic interest in the Northwest Territories.
- (b) to allow for the establishing and maintenance of museums within the Northwest Territories.
- (c) to allow for the acquisition of lands, buildings, and articles of historic, artistic, cultural, economic, social or archaeological importance to the Northwest Territories.
- (d) to allow for the creation and maintenance of a Territorial Public Archives.
- (e) to allow for the establishment of a Northwest Territories Historical Advisory Board.

4 - Description

The Historical Resources Ordinance is an enactment of the Council of the Northwest Territories assented to by the Commissioner of the Northwest Territories on 18 June 1970.

The Ordinance enumerates the powers of the Commissioner, subject to the appropriation of funds by the Council, in setting up museums, commemorating and designating archaeological and historic sites and the care and maintenance of same. It allows the Commissioner to create a Public Archives for the preservation of pertinent government and public documents.

Details concerning the establishing, membership, officers and function and duties of the N.W.T. Historical Advisory Board are enumerated. It records also that the Commissioner

may order the recording and salvage of historic objects threatened by destruction by reason of commercial, industrial, mining, exploration or other activity.

5 - Administration

The "Ordinance Relating to Historic Sites, Museums and Archives" is administered by the Government of the Northwest Territories from the Yellowknife office.

No permits or licences are issued under the "Historical Resources Act".

The Commissioner appoints nine members and a chairman to form the Historical Advisory Board. In so far as is practicable the members are resident representatives of defined geographical areas within the Territories. The Commissioner also designates a member of the Public Service of the Northwest Territories to act as Permanent Secretary of the Board.

Formal meetings of the Board are held at least once a year and between meetings consultation of members is conducted by mail or telephone through the office of the Permanent Secretary.

The Board's prime function is to consider matters relative to historic and prehistoric aspects of the Territories and to advise the Commissioner where it feels action to be necessary.

The Commissioner, may on his own initiative and subject to the Council appropriating necessary funds, take action to effect any of the items recorded under "(3)" Purpose" above.

6 - Application to Pipeline Construction

In that under Section 9(1) of the Historical Resources Ordinance the Commissioner may require commercial, mining, exploration and other activities threatening historic or prehistoric remains to provide adequate protection, recording and salvage of those remains threatened by destruction, this "Ordinance" is directly applicable to Pipeline Route exploration and Pipeline construction.

It is noted that the "Ordinance" records that failure to comply with an order pursuant to section 9(1) is guilty of an offence punishable on summary conviction..

APPRENTICE TRAINING ORDINANCE

1. Legislation

An Ordinance respecting the training of apprentices.

(a) Regulations governing the training of apprentices.

2. Agency

Employment Division,
Department of Economic Development.

3. Purpose

The purpose of the ordinance and regulations is to provide trade training and certification of competency to Northwest Territories residents up to the level of journeyman status.

4. Administration

The Employment Division administers the ordinance through field counsellors who indenture, counsel and monitor the program. Persons trained and certified in the N.W.T. can have their status accepted in all other provinces of Canada as the N.W.T. is a member of the Interprovincial Standards Co-ordinating Committee, which set trade standards across Canada in 14 trades.

5. Application to Pipeline Construction

There is no compulsory certification in the N.W.T. and as a result there is no restriction placed by the government on who can and cannot work in the trades areas. With the exception of the electrical trade a person with no training or certification is not restricted by law from working in his trade. However, although there is no restriction in law, many individuals seeking employment in the trades cannot get jobs unless they are certified. Therefore employers are making certification compulsory through their hiring practices and as a result many people request tests leading to certification at the journeyman level. With pipeline construction many uncertified men will likely be looking for employment and their employers may refuse to hire them until they receive certification through us. We are currently providing individuals with trade training that could be used in pipeline construction. We would continue to do this for individuals who become employed on the pipeline if they were working in a designated trade. If a person wants to become an apprentice and an employer is willing to train him, we

will apprentice and train him, even if he has only been here a few months. A person must be resident to fall under our program but there is no restriction in time.

Any training carried out on pipeline construction that is on the list of designated trades will fall under the responsibility of the Apprenticeship Ordinance.

TERRITORIAL PARKS ORDINANCE

1. Legislation

Territorial Parks Ordinance

(a) Territorial Parks Regulations

2. Agency

Division of Tourism,
Department of Economic Development,
Government of the Northwest Territories.

3. Purpose

The purpose of the Ordinance and Regulations is to control occupancy, businesses, construction, research and related activities on lands designated as Territorial Parks.

4. Description

Activities described in part 3 may be allowable in Territorial Parks by the authorization of a park use permit issued under the discretion of the Superintendent of Parks.

5. Administration

The Ordinance and Regulations are Administered by the:

Superintendent of Parks,
Division of Tourism,
Department of Economic Development,
Government of the Northwest Territories,
Yellowknife, N.W.T.

6. Application to Pipeline Construction

Permission for any industrial or scientific activity on Territorial Park land is required from the Superintendent of Parks and in most cases a park use permit is likely necessary. Present Territorial Park lands are described in Schedules I and II of the Regulations. Lands are added from time to time.

PUBLIC HIGHWAYS ORDINANCE

1. Legislation

Public Highways Ordinance - Part II and Part III, Section 29.

2. Agency

Territorial Department of Public Works - Highways Division.

3. Purpose

The purpose of Part II and Section 29 Part III of the Public Highways Ordinance is to control access to primary highways and development adjacent to primary highways in order that public users of highways will not be unnecessarily affected in an adverse manner.

4. Description

Part II of the Public Highways Ordinance and specifically Section 14 deals with entry or exit from a primary highway and prohibits the construction or maintenance of a means of access to or from a primary highway unless a permit authorizes the construction, maintenance and use thereof as a means of access.

Section 29, subsection (e), in Part III empowers the Commissioner to make regulations "prohibiting except under the authority of a permit, the placing, construction, enlarging, extending or erecting, or re-erecting of a building, structure, fixture, road, airstrip, excavation or other development, whether on above or below ground" within such distance from a primary highway as the regulations may prescribe.

5. Administration

These sections of the Public Highways Ordinance and regulations are administered by the Highways Division, Department of Public Works, Government of the Northwest Territories.

6. Application

Applications for permits are made to the Director, Department of Public Works, Government of the Northwest Territories, Yellowknife.

SCIENTISTS ORDINANCE

1. Legislation

Scientists Ordinance

2. Agency

Department of Planning and Program Evaluation.

3. Purpose

The ordinance provides for the licensing of scientific research in the Northwest Territories for the following purposes:

- (a) to ensure that any communities which would be directly affected by or particularly concerned about a research project are consulted in advance, and that projects which would cause unwarranted disruption are not carried out;
- (b) to ensure that nearby communities and interested government agencies are informed of all research projects in advance;
- (c) to ensure that the results of research carried out in the Territories are available for the benefit of the Territories.

4. Description

The ordinance requires the licensing of anyone conducting scientific research in or based on the Territories, or anyone collecting specimens in the Territories for use in scientific research.

After completion of the research, the licensee is required to provide a report outlining the scientific work done and the information obtained. This is to be provided within six months of the expiry date of the licence unless an extension is arranged.

5. Administration

The ordinance is administered by the Science and Statistics Division of the Department of Planning and Program Evaluation, Government of the Northwest Territories, Yellowknife.

Applications should be sent to the Chief of the Science and Statistics Division (Science Adviser), and should contain the following information:

- (a) Name and address of the proposed licensee, who should be the person who would be in responsible charge in the field, and where available the name and address of each member of the research party.
- (b) Name and address of the sponsoring agency.
- (c) Statement of objectives and a very brief outline of the plan of the proposed study.
- (d) Approximate itinerary within the Northwest Territories.
- (e) Arrangements proposed for accommodation, transportation, and supplies, in sufficient detail to show any impact on communities.
- (f) Where there could be reasonable doubt assurance that financial resources are adequate to meet needs in the field.

Where a research project would directly affect or be of particular concern to residents of an indigenous community, the applicant should either obtain advance approval from the appropriate settlement or hamlet council before applying, or allow at least three months for consultation.

6. Application to Pipeline Construction

The ordinance does not apply directly to construction activities, but it does apply to pipeline-related research taking place before, during, or after construction. Studies to evaluate the environmental, sociological, or economic impact of a pipeline would be considered research within the meaning of the ordinance. Detailed engineering design of the pipeline would not be considered research.

PESTICIDE ORDINANCE

1. Legislation

Pesticide Ordinance and Regulations

2. Agency

Government of the Northwest Territories

3. Purpose

To control the use, storage and application of pesticides.

4. Description

The ordinance provides for the appointment by the Commissioner of inspectors to carry out the provisions of the ordinance.

The ordinance prohibits the use, storage, disposal and management of pesticides, the containers in which they are stored and apparatus used in their application, without the issuance of a permit. An inspector may make an order suspending or terminating the use of pesticides in a given instance.

5. Administration

The ordinance and all future regulations are administered directly by the Government of the Northwest Territories through an appointed inspector resident in Yellowknife.

6. Application to Pipeline Construction

The use of pesticides in the Northwest Territories on anything but a minor scale is strictly controlled and if contemplated by the pipeline contractors should be proposed as far in advance as possible so that an environmental assessment can be made.

CIVIL EMERGENCY MEASURES ORDINANCE

1. Legislation

Civil Emergency Measures Ordinance

2. Agency

Government of the Northwest Territories

3. Purpose

To prepare plans and conduct operations to mitigate the effects of a real or apprehended emergency.

4. Description

The ordinance provides for the appointment of a Civil Emergency Officer, who in turn formulates Emergency Planning as required and stimulates Emergency Planning within the Federal and Territorial Departments, Municipalities and Settlements, Crown Cooperations, Agencies and Industrial Installations.

The Commissioner may declare a State of Emergency in the Territories or in any part. During such a declaration the ordinance permits the Commissioner to carry out a wide range of powers to preserve public safety, including the assumption of direct control of public affairs within the area affected.

5. Administration

While the administration is centered in the Civil Emergency Measures Officer in Yellowknife the responsibility for Emergency Planning is delegated to the extent possible to municipalities and other units of Government.

6. Application to Pipeline Construction

Enterprises of the magnitude of a pipeline would call for their own Emergency Planning which would be coordinated with Governmental Planning already in existence.

The constructors and owners of a pipeline should be aware that an Emergency which threatens public safety or the integrity of the Environment on a sufficiently large scale would be considered within the scope and intent of the ordinance.

ENVIRONMENTAL PROTECTION ORDINANCE1. Legislation

Environmental Protection Ordinance and Regulations

2. Agency

Government of the Northwest Territories (Executive)

3. Purpose

The ordinance is intended to protect the environment of the Territories against contamination or damage.

4. Description

The ordinance provides for the appointment of a Chief Environmental Protection Officer, who in turn may designate inspectors as necessary. The Chief Environmental Protection Officer may order the installation of safe guards against contamination, may order the siting, transportation or storage of contaminants and may order the procurement and stockpiling of equipment and material to effect clean-up.

He may further order the repair of environmental damage and may in default carry out the work on a chargeable basis.

The ordinance contains two prohibitions:

- (a) The discharge of contaminants
- (b) Maintenance of unsightly premises.

5. Administration

The ordinance is administered from the headquarters of the Government of N.W.T. in Yellowknife, usually through the regional offices.

Inspectors may be appointed from among the field staffs of the Regional offices and the Territorial Departments. An incident reporting system has been set up which gives notification of damaging events. Reporting is not an obligation of the ordinance.

6. Application to Pipeline Construction

All activities which are potentially or actually hazardous to the environment are within the purview of the ordinance. Some specific activities are the subject of Federal legislation (i.e. - Canada Shipping Act, Northern Inland Waters Act). In instances such as these it is usual to leave jurisdiction to the agency concerned even if the event lies clearly within the intent of the ordinance.

Section H
Government of the Yukon Territory

COMPANIES ORDINANCE

1. Legislation

Companies Ordinance

2. Agency

Department of the Territorial Secretary

3. Purpose

The purpose of the Ordinance and Regulations is to provide for the registration of Extra-Territorial Limited companies and for the in-Yukon incorporation of Limited companies who carry on business within the Yukon Territory.

4. Description

Every Limited company which intends to or is carrying on business within the Yukon Territory must apply to the Registrar of Companies to become registered pursuant to this Ordinance. Not to register is an offence liable to a fine of \$50.00 per day. (Sec. 166).

5. Administration

The Companies Ordinance and Regulations are administered by the office of the Department of the Territorial Secretary in Whitehorse.

6. Application to Pipeline Construction

This Ordinance will be applicable to all Limited companies who will carry on business within the Yukon territory in connection with the pipeline construction.

BUSINESS LICENCE ORDINANCE AND REGULATIONS

1. Legislation

Business Licence Ordinance and Regulations.

2. Agency

Department of the Territorial Secretary.

3. Purpose

The purpose of this Ordinance is to licence all persons and companies carrying on any business, calling, trade or occupation within the Yukon Territory.

4. Description

There is a fee schedule, and the licence is valid for one year and must be obtained by all who carry on business outside the City limits of Whitehorse and Dawson and the Town limits of Faro. The only exceptions are a) the business of publishing a newspaper, b) the occupation of publishing a newspaper and c) those who hold a licence pursuant to any other Ordinance. i.e. PSV licence.

5. Administration

This legislation is centrally administered by the Office of the Department of the Territorial Secretary in Whitehorse. However, business licences may also be purchased from the Territorial Agents in Watson Lake, Haines Junction, Faro, Mayo and Dawson.

6. Application to Pipeline Construction

Every sub-contractor who will work on pipeline construction in the Yukon will have to apply for and purchase a business licence pursuant to this Ordinance.

MOTOR VEHICLES ORDINANCE

1. Legislation

Motor Vehicles Ordinance and the regulations thereto.

2. Agency

Department of the Territorial Secretary.

3. Purpose

The purpose of the Ordinance and Regulations is to provide for the licencing of Operators and vehicles; vehicle equipment standards; weights of vehicles and vehicle and pedestrian control.

4. Description

Motor vehicles and trailers being used in the Yukon must be registered immediately upon entry in the Yukon. Operators of vehicles used in the Territory must hold an Operator's licence within ninety days of entering the Yukon.

5. Administration

The Motor Vehicles Ordinance and regulations thereto are administered from the office of the Territorial Secretary in Whitehorse, Yukon Territory.

6. Application to Pipeline Construction

The Motor Vehicles Ordinance and regulations thereto are applicable to pipeline construction.

WORKMEN'S COMPENSATION ORDINANCE1. Legislation

- (a) The Workmen's Compensation Ordinance
(b) Accident Prevention Regulations

2. Agency

Department of Territorial Secretary and Registrar General.

3. Purpose

The purpose of the Workmen's Compensation Ordinance is to provide financial assistance to injured workmen or dependents from assessments collected from employers and to provide safety regulations that will help reduce the number of accidents to workers.

4. Description

- (a) The Workmen's Compensation Ordinance requires every employer to pay into the Compensation Fund. The rate that each employer is assessed is determined by the accident experience in the type of operation.

A workman who has an accident when in the course of his employment if he is employed in an industry covered by the Ordinance will be entitled to complete medical care for the condition which resulted from the accident. In addition to medical care he is also entitled to compensation payments during the period he is disabled. If he sustained a permanent disability as a result of an industrial accident he may receive a permanent award based on the degree of his disability.

- (b) Accident Prevention regulations assist the employer in helping reduce the number of accidents, and improve the accident experience of the industry thus keeping the rate from increasing.

5. Administration

The Ordinance and all regulations are administered from the Workmen's Compensation Office in Whitehorse, with the exception of appeals which are forwarded to the Workers' Compensation Board of Alberta, in Edmonton Alberta, who act in the capacity of referee to the Workmen's Compensation Ordinance of the Yukon Territory.

All employers whose operations come within the schedules of the Workmen's Compensation Ordinance have ten days from the date they commence hiring of workmen to establish an account with the Workmen's Compensation Ordinance. This can be done by simply writing or telephoning the Workmen's Compensation office, Box 2703, Whitehorse, Yukon Territory. Telephone 667-5224 giving us the name and address of the employer and the type of industry the employer is engaged in. Upon receipt of this information we will forward our Employer's Statement of Estimated Payroll form which we request you complete giving us an estimate of wages to be expended during the calendar year, sign, and return to the Workmen's Compensation office. Upon receipt of the completed form we will forward a statement of assessment.

6. Application to Pipeline Construction

The Workmen's Compensation Ordinance and regulations are applicable to pipeline construction activities as follows.

- (a) The assessment rate for the calendar year 1975 applicable to the industry of pipeline construction is \$4.50 per \$100.00 of payroll and the minimum assessment for any calendar year or part thereof is \$10.00

Attention is specifically drawn to the fact that all persons rendering a service to a corporation, including officers and executives, are deemed to be workmen for the purpose of this Ordinance and therefore must be included in the payroll reported up to the maximum of \$11,000.00 each per annum for the year 1975.

Principal contractors who sub-contract any portion of the work must obtain from the Workmen's Compensation office a certificate pointing out that the sub-contractor has an account established with this office. Principal contractors must also obtain a letter of clearance on a sub-contractor before releasing final payment in respect of a contract.

LABOUR STANDARDS ORDINANCE

1. Legislation

Labour Standards Ordinance

2. Agency

Department of the Territorial Secretary.

3. Purpose

To provide a minimum wage and minimum wage entitlement in respect of overtime, general holidays and vacations.

4. Description

The Ordinance provides for a minimum wage which is the minimum pursuant to the Canada Labour Code plus 10¢ per hour, i.e. currently \$2.70 per hour.

A minimum overtime rate of 1½ times the regular rate of pay for all hours worked in excess of eight in a day and forty-four in a week in a "shop", and for all hours in excess of eight in a day and forty-eight in a week elsewhere.

Employees are normally entitled to a day off with pay in respect of nine designated general holidays each year and double time and a half for hours worked on these days.

An employee becomes entitled to a minimum of two weeks paid vacation, having completed a year of employment. Employees who work less than a year or who terminate before taking vacation time off are entitled to 4% of their gross income as vacation pay.

The Ordinance also restricts the maximum hours of work to ten in a day, sixty in a week, and two hundred and sixty in a month.

The Ordinance should be consulted for exceptions to each of the foregoing.

5. Administration

The Ordinance is enforced by the Department of the Territorial Secretary, Inspection Services Section.

6. Application for Pipeline Construction

The Ordinance in its entirety will apply to all pipeline construction activities carried on within the Yukon Territory, although structural minimum requirements can be expected in respect of contracts with the federal government through contract labour conditions pursuant to the Federal Fair Practices and Hours of Labour Regulations.

FAIR PRACTICES ORDINANCE

1. Legislation

Fair Practices Ordinance.

2. Agency

Department of the Territorial Secretary.

3. Purpose

To ensure that no employer, trade union or landlord will discriminate because of race, religion, colour, ancestry, sex, marital status or ethnic or national origin.

4. Description

This Ordinance states that there must not be any discrimination in employment practices, housing entrance, or trade union membership because of race, religion, colour, sex, marital status or ethnic or national origin. It is an offence to violate a provision of this Ordinance and fines from \$100.00 to \$500.00 may be levied for any violations.

5. Administration

This Ordinance is administered by the Department of the Territorial Secretary.

6. Application to Pipeline Construction

Every company, partnership and trade union which is involved in the pipeline construction in the Yukon will have to comply with the provision of this Ordinance.

TRANSPORT PUBLIC UTILITIES ORDINANCE

1. Legislation

Transport Public Utilities Ordinance and regulations thereto.

2. Agency

Department of the Territorial Secretary.

3. Purpose

The purpose of the Ordinance and Regulations is to control the number of Carriers authorized to operate in the Yukon.

4. Description

For hire carriers must obtain authority from the Transport Public Utilities Board prior to the Registrar of Motor Vehicles issuing Public Service Vehicle licence plates or Restricted Public Service Vehicle licence plates.

5. Administration

The Transport Public Utilities Ordinance and regulation thereto are administered from the office of the Territorial Secretary in Whitehorse, Yukon Territory.

6. Application to Pipeline Construction

The Transport Public Utilities Ordinance and regulation thereto are applicable to carriers involved in the hauling of pipe and other material involved in pipeline construction.

ELEVATORS AND FIXED CONVEYANCE ORDINANCE

1. Legislation

Elevators and Fixed Conveyances Ordinance

2. Agency

Department of the Territorial Secretary.

3. Purpose

To provide minimum standards for the safe operation of elevators and other conveyances such as dumb waiters, escalators, inclined passenger lifts, belt lifts, aerial tramways, chair lifts, ski tows, rope tows, speed-walks and speedramps.

4. Description

The Ordinance provides that before erecting or altering a fixed conveyance, the owner must submit relevant plans, plus prints, specifications and drawings to an inspector for his approval.

It also contains various provisions relating to authority of inspectors including authority to order remedial action, or to order a conveyance out of service until such time as remedial action is taken.

The Ordinance also provides that an inspector be notified as soon as possible after the happening of any accident involving a fixed conveyance that results in a death or serious injury or damage to equipment.

5. Administration

The Ordinance is enforced by the Department of the Territorial Secretary, Inspection Services Section, Mr. R.G. Wilson, Chief Field Inspector.

6. Application to Pipeline Construction

The Ordinance has application to any of the conveyances mentioned in (3) which are to be operated within the Yukon Territory.

STEAM BOILERS ORDINANCE

1. Legislation

Steam Boilers Ordinance and Regulations.

2. Agency

Department of the Territorial Secretary.

3. Purpose

To licence and control Steam Boilers and Steam Boiler Operators in the Territory to ensure the safe installation and operation thereof; and to provide for inspections on a regular basis to maintain a high level of safety.

4. Description

Boilers which are installed in the Territory must be accompanied by an "Affidavit of Manufacturer" form from the jurisdiction of manufacture. The boilers are numbered, files set up and then they are regularly inspected (once per year). As well, steam boiler operators must qualify to obtain different classes of engineer's certificates, and must renew this certificate each year.

5. Administration

This Ordinance is administered by the Office of the Department of the Territorial Secretary.

6. Application to Pipeline Construction

Every boiler installed for the pipeline projection in the Yukon and every operator who would be working in the Yukon on the pipeline construction would have to comply with the provisions of this Ordinance and the Regulations.

